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JOURNALS

OF

THE SEVENTH SESSION

OF THE

GENERAL ASSEMBLY

OF THE

TERRITORY OF ARKANSAS,

WHICH WAS BEGUN AND HELD AT THE TOWN OF LITTLE
ROCK, ON MONDAY, THE THIRD DAY OF OCTOBER, AND
ENDED ON MONDAY, THE SEVENTH DAY OF NOVEMBER,
ONE THOUSAND EIGHT HUNDRED AND THIRTY-ONE.

CITY OF WASHINGTON
LITTLE ROCK:

PRINTED BY CHARLES P. BERTRAND,

Printer to the Territory.

1832.

J87
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18312

JOURNALS

OF THE

GENERAL ASSEMBLY

OF THE

TERRITORY OF ARKANSAS.

LEGISLATIVE COUNCIL.

Monday, October 3, 1831.

At a meeting of the **GENERAL ASSEMBLY OF THE TERRITORY OF ARKANSAS**, begun and held at the Capitol, in the town of Little Rock, on the first Monday in October, it being the third day of said month, in the year of our Lord one thousand eight hundred and thirty-one, it being the day fixed on by law for the meeting of the **GENERAL ASSEMBLY**, and of the Independence of the United States of America the fifty-sixth year; the following Members of the **LEGISLATIVE COUNCIL** were present, qualified, and took their seats, to wit:—

From the county of Washington,	<i>Robert McAmy.</i>
“ “ Conway,	<i>Reuben J. Blount.</i>
“ “ Pape,	<i>Isaac Hughes.</i>
“ “ Izard,	<i>Jacob Wolf.</i>
“ “ Phillips,	<i>James H. McKenzie.</i>
“ “ Union,	<i>Isaac Pennington.</i>
“ “ Lafayette,	<i>Jesse Douglass.</i>
“ “ Chicot,	<i>William B. Patton.</i>
“ “ Sevier,	<i>Benjamin H. G. Hartfield.</i>

From the county of Clark,	<i>Moses Collins.</i>
“ “ Jackson,	<i>Rowland Tidwell.</i>
“ “ Lawrence,	<i>David Orr.</i>
“ “ St. Francis,	<i>Green B. Lincecum.</i>
“ “ Crawford,	<i>Robert Sinclear.</i>
“ “ Jefferson,	<i>William P. Hackett.</i>
“ “ Arkansas,	<i>Terence Farrelly.</i>
“ “ Pulaski,	<i>Charles Caldwell.</i>
“ “ Hempstead,	<i>Daniel T. Witter.</i>
“ “ Independence,	<i>James Boswell.</i>
“ “ Crittenden,	<i>Edmund H. Bridges.</i>
“ “ Hot Spring,	<i>John Wells.</i>
“ “ Monroe,	<i>William Ingram.</i>

A quorum of Members being present, Mr. *Wolf* was called to the chair, and the Members being called to order, proceeded to the election of a President. Mr. *Farrelly* nominated Mr. *Caldwell*, and Mr. *McAmy* nominated Mr. *Witter*. Messrs. *Douglass* and *Farrelly* were appointed tellers; and on the first balloting, the following was the result, viz:

For Mr. Caldwell,	14 votes.
“ Mr. Witter,	6 do.
“ Mr. Wolf,	1 vote.
“ Mr. McAmy,	1 do.

22 do.

Whereupon, CHARLES CALDWELL, of Pulaski, having received a majority of all the votes, was declared duly elected President of the Legislative Council, and conducted to the chair accordingly; and having taken the chair, addressed the Legislative Council as follows:

GENTLEMEN—

In accepting the distinguished honor you have been pleased to confer upon me, I am deeply impressed with feelings of profound respect and gratitude; and I receive it as the highest testimony of your confidence and favor.—The office of President of this House has been justly considered one of high character: Its honor is to be measured by no ordinary standard of value, but must rest upon the talents, diligence, and impartiality, with which its duties are performed. I know my own inability too well to believe that I shall be enabled to meet the expectations of my friends; but I trust, that the same indulgence will be extended towards me that has heretofore characterized this House. All that I can promise, will be a faithful devotion

of my time to the service of the House, in a prompt and impartial manner. In coming together, we should weigh well the responsibility which devolves upon us, and be animated by a virtuous zeal, that our deliberations should be characterized by a cool and dispassionate exertion of talents, fortitude, and patriotism, as the surest and best means of sustaining the honor and promoting the welfare and happiness of our country.

On motion of Mr. *Farrelly*, the Legislative Council went into the election of Secretary. Mr. *Farrelly* nominated A. Fowler, and Mr. *Hackett* nominated Robert A. Callaway. Messrs. *Farrelly* and *Hackett* were appointed tellers; and on the first balloting, the following was the result, to wit:

For A. Fowler,	14 votes.
‘ Robert A. Callaway,	8 do.
	—
	22 do.

Whereupon, ABSALOM FOWLER, of Little Rock, was declared duly elected Secretary of the Legislative Council, and was qualified and entered upon the discharge of his duties.

On motion of Mr. *McAmy*, the Legislative Council went into the election of an Assistant Secretary. Mr. *McAmy* nominated A. W. G. Davis, Esq., Mr. *Sinclear* nominated Robert A. Callaway, Mr. *Farrelly* nominated Col. John K. Taylor, and Mr. *Bridges* nominated Wm. B. R. Horner, Esq. Messrs. *Farrelly* and *Witter* were appointed tellers. On the first balloting, the vote stood:

For Robert A. Callaway,	7 votes.
‘ A. W. G. Davis,	6 do.
‘ W. B. R. Horner,	5 do.
‘ John K. Taylor,	4 do.
	—
	22 do.

And no one having received a majority of all the votes, the Legislative Council proceeded to a second balloting; whereupon,

R. A. Callaway received	9 votes.
W. B. R. Horner	8 do.
A. W. G. Davis	5 do.
	—
	22 do.

And no one having received a majority of all the

votes, a third balloting was proceeded to; whereupon,

W. B. R. Horner received 12 votes.

B. A. Callaway 10 do.

—
22 do.

And **WILLIAM B. R. HORNER**, Esq. of Phillips county, having received a majority of all the votes, was declared duly elected Assistant Secretary of the Legislative Council, and was qualified and entered upon the discharge of his duties.

On motion of *Mr. McAmy*, the Legislative Council went into the election of a Door-keeper. *Mr. McAmy* nominated Thomas Shannon, *Mr. Sinclear* nominated Robert S. McMickin, *Mr. Lincecum* nominated Cyrus Lytle, and *Mr. Hackett* nominated Robert Magness, William Atchison, Robert Brazil, Jno. M. Smith, and Sherard Gray. Messrs. Hughes and Douglass were appointed tellers; and on the first balloting, the vote stood thus:—Shannon, 6; McMickin, 5; Magness, 3; Lytle, 3; Gray, 3; Brazil, 1; and Atchison, 1.

On the second balloting, the vote stood thus:—McMickin, 9; Shannon, 7; and Gray, 6.

On the third balloting, the vote stood thus:—McMickin, 12; Shannon, 5; and Gray, 4.

Whereupon, **ROBERT S. McMICKIN** was declared duly elected Door-keeper of the Legislative Council, and was qualified and entered upon the discharge of his duties.

Ordered, That *Mr. Farrelly* inform the House of Representatives, that the Legislative Council is organized, and now ready to proceed to legislative business.

Ordered, That Messrs. *Witter*, *McAmy* and *Farrelly*, be appointed a committee on the part of the Legislative Council, to act in concert with a committee on the part of the House of Representatives, to wait on the Governor, and inform him that they are ready to receive any communication which he may be pleased to make; and that *Mr. Witter* inform the House of Representatives of said appointment.

A message was received from the House, informing the Council, that the House have organized by electing **Wm. Trimble**, Speaker; **G. W. Ferebee**, Clerk; and **E. Owen**, Door-keeper; and are now ready to proceed to business.

A message was also received from the House of Repre-

representatives, informing the Council, that the House have adopted the Joint Rules of the former Legislature, and asking the concurrence of the Council therein.

Ordered, That said message lie on the table indefinitely.

On motion of Mr. *McAmy*, a committee was appointed to revise and amend the Rules of the Legislative Council, of the last session, and report thereon; and Messrs. *McAmy*, *Farrelly*, *McKenzie*, *Witter*, and *Douglass*, were appointed that committee.

And then the Legislative Council adjourned until tomorrow morning at 10 o'clock.

HOUSE OF REPRESENTATIVES.

The following Members of the HOUSE OF REPRESENTATIVES appeared, and were called to order by Mr. *Hudspeth*, a Representative from the county of Lawrence; and thereupon respectively produced certificates of their being duly elected, and were severally qualified according to law, and took their seats, to wit:—

From the county of Pulaski,	<i>Samuel M. Rutherford, and Peter T. Crutchfield.</i>
“ “ Lawrence,	<i>George S. Hudspeth, and Robert Smith, Jr.</i>
“ counties of Independence and Jackson,	<i>Morgan Magness, and Caleb S. Manly.</i>
“ county of Izard,	<i>Frederick Talbot.</i>
“ counties of Miller and Sevier, }	<i>John Clark.</i>
“ county of Hempstead,	<i>William Trimble, and Thomas W. Scott.</i>
“ “ Clark,	<i>John Wilson.</i>
“ “ Jefferson,	<i>Nehemiah Holland.</i>
“ “ Chicot,	<i>John Gibson.</i>
“ “ Arkansas,	<i>Harold Stillwell.</i>
“ “ Phillips,	<i>Fleetwood Hanks.</i>
“ counties of St. Francis and Monroe,	<i>John W. Calvert, and Samuel Fillingim.</i>
“ county of Crittenden,	<i>James Livingston.</i>
“ counties of Conway and Hot Spring, }	<i>Nimrod Menefee.</i>
“ county of Pope,	<i>Andrew Scott.</i>
“ “ Crawford,	<i>Charles Wolf, and Richard C. S. Brown.</i>
“ “ Washington,	<i>James Pope, and Abraham Whinnery.</i>

Which being a quorum of all the Members elected to the House of Representatives, Mr. *Hudspeth* was called to the chair, and the House proceeded to the election of a Speaker; and upon an examination of the ballots, it appeared that William Trimble had 14 votes, and John Wilson had 8 votes.

Mr. TRIMBLE, of the county of Hempstead, having a majority of the whole number of votes, was declared duly elected Speaker of the House of Representatives.

The House then proceeded by ballot to the election of a Clerk; and on an examination of the votes, there appeared, for George W. Ferebee 13, and for William K. Ball 11 votes.

Whereupon, GEORGE W. FEREBEE, having a majority of all the votes given, was declared duly elected Clerk of the House of Representatives, was qualified according to law, and proceeded to the discharge of his duties.

The House then proceeded by ballot to the election of a Door-keeper; and on an examination of the votes, there appeared, for Ezra Owen 15, and for Jesse Bland 9 votes.

Whereupon, EZRA OWEN, having a majority of the whole number of votes given, was declared duly elected Door-keeper of the House of Representatives, and thereupon he proceeded to the discharge of his duties.

Whereupon, it was

Ordered, That a message be sent to the Legislative Council, to inform them that a quorum of this House has met, and elected William Trimble, Speaker; George W. Ferebee, Clerk, and Ezra Owen, Door-keeper; and that Mr. *Hudspeth* do carry said message.

Mr. *Brown* moved that the Rules and Joint Rules adopted by the House of Representatives of the last General Assembly, be adopted by this House.

And the question thereon being taken, it was decided in the affirmative, and ordered, that Mr. *Wilson* do inform the Legislative Council by message thereof.

On motion of Mr. *Manly*, it was

Resolved, That the following Standing Committees be appointed by this House, to wit:

A Committee on Elections, to consist of five members.

A Committee of Ways and Means, to consist of five members.

A Committee on Memorials, to consist of five members.

A Committee on the Judiciary, to consist of five members.

A Joint Committee to examine the books of the Auditor and Treasurer, to consist of three members.

On motion of *Mr. Manly*,

Resolved, That the Clerk be instructed to procure such articles of stationery as may be necessary for the House of Representatives, during the present session of the Legislature.

And the question being put on the adoption of said resolution, it passed in the affirmative.

A message was received from the Legislative Council, informing the House, that the Council have organized, and are now ready to proceed to business.

Mr. Wilson offered the following resolution:

Resolved by the House of Representatives, That the Door-keeper be instructed to procure two dozen chairs, for the use of this House, and that the same be paid for out of the contingent funds allowed by the Congress of the United States.

A message was received from the Legislative Council, informing the House, that the Council have appointed *Mr. Witter*, *Mr. McAmy*, and *Mr. Farrelly*, a committee on their part, to act in conjunction with such committee as may be appointed on the part of the House of Representatives, to wait upon the Governor, and inform him that the two Houses have organized, and are ready to receive any communication he may have to make.

On motion of *Mr. Manly*,

Resolved, That a Joint Committee of three be appointed on the part of the House of Representatives, to join such committee as may be appointed by the Legislative Council, to receive and examine sealed proposals for the public printing.

And the question being put on the adoption of said resolution, it passed in the affirmative, and *Mr. Manly* appointed to inform the Legislative Council thereof.

Mr. Manly moved that the regular hour to which this House adjourn, be 10 o'clock in the forenoon.

And the question being put on the adoption of said motion, it was passed in the affirmative.

On motion of Mr. *Menefee*,

Resolved, That the Clerk of this House be authorized to select an Assistant Clerk when he may deem it necessary in facilitating the labors that may devolve upon him.

Mr. *Calvert* moved that the resolution be laid on the table until to-morrow.

And the question being put on the adoption of the motion to lay on the table, it was carried in the affirmative.

Mr. *Menefee* offered the following resolution:

Resolved, That a committee be appointed on the part of the House of Representatives, to join such committee as may be appointed by the Legislative Council, to wait upon the Governor, and inform him that the General Assembly of the Territory is organized, and ready to receive any communication he may wish to make to them.

And the question having been put on the adoption of said resolution, it was carried in the affirmative, and Messrs. *Menefee*, *Wilson*, and *Hudspeth*, were appointed that committee.

Mr. *A. Scott* offered the following resolution:

Resolved, That the Legislative Council be requested to attend in the Chamber of the House of Representatives, in order to proceed to the election of an Enrolling and Engrossing Clerk for the present General Assembly.

And before the question was put,

On motion of Mr. *Manly*, the House adjourned.

LEGISLATIVE COUNCIL.

Tuesday, October 4, 1831.

The Legislative Council assembled.

On motion of Mr. *Farrelly*, the President appointed the following Standing Committees, to wit:

Committee on Elections.—Messrs. *Wolf*, *Douglass*, *Hughes*, *McKenzie* and *Boswell*.

Of Ways and Means.—Messrs. *McAmy*, *Patton*, *Orr*, *Hartfield* and *Hackett*.

On Memorials.—Messrs. *McKenzie*, *Tidwell*, *Ingram*, *Wells*, *Hartfield*, *Collins* and *Pennington*.

On the Judiciary.—Messrs. *Witter*, *Sinclear*, *Bridges*, *Blount*, *Lincecum* and *Farrelly*.

On the Militia.—Messrs. *Pennington*, *Bridges*, *Wells*, *Collins* and *Patton*.

Committee to examine the Books of the Auditor and Treasurer.—Messrs. *Farrelly*, *Douglass* and *Boswell*.

Mr. *Witter*, from the committee to wait on the Governor, reported that they had discharged that duty, and that the Governor would make a communication to the General Assembly, on Wednesday next, at 12 o'clock.

Mr. *McAmy*, from the committee appointed to revise and amend the Rules of the Legislative Council, of the last session, reported that they had discharged that duty, and that the fourteenth Rule ought to be stricken out, and the following amendment inserted in its stead, to wit:

When a question is under debate, no motion shall be received, but to adjourn, to lie on the table, to postpone indefinitely, to postpone to a day certain, to commit, or to amend; which several motions shall have precedence in the order they stand arranged; and the motion for adjournment shall always be in order, and be decided without debate.

Which said amendment was adopted by the Legislative Council.

On motion of Mr. *Farrelly*, the resolution of the House of Representatives, adopting the Joint Rules of the former Legislature, was concurred in.

On motion of Mr. *Farrelly*, a Joint Committee was appointed to revise and amend the Joint Rules of the former Legislature; and Messrs. *Farrelly* and *McAmy* were appointed that committee.

Mr. *Patton* presented a petition of Wigton King, praying the Legislative Council to take into consideration his right to a seat therein, as a member from the county of Jefferson, in place of William P. Hackett, the sitting member, as having been unavoidably deprived of proceeding in the usual manner of contesting the election; which petition, with the accompanying documents, was referred to the Committee on Elections.

On motion of Mr. *Farrelly*, Mr. *Licecum* was added to the Committee on Memorials.

On motion of Mr. *Blount*, Mr. *Wolf* was added to the Committee on the Judiciary.

A message was received from the House of Representatives, informing the Council, that the House are now ready to go into the election, by joint ballot, for an

Enrolling and Engrossing Clerk, and invite the Council in the Hall of the House, for that purpose.

Which message was ordered to lie on the table.

On motion of Mr. *Sinclear*, the question was taken, whether the Legislative Council would go into the election of an Enrolling and Engrossing Clerk, during this session, and decided in the affirmative.

On motion of Mr. *McAmy*, the message from the House of Representatives, inviting the Legislative Council into the House of Representatives, to go into the election of an Enrolling and Engrossing Clerk, was taken up; and he proposed an amendment to the same, so as to go into said election on to-morrow morning at 11 o'clock; which amendment was adopted, and Mr. *McAmy* directed to inform the House of Representatives thereof.

On motion of Mr. *McAmy*, a Standing Committee was appointed on Divorce and Alimony; and Messrs. *Wolf*, *Orr*, *Blount*, *Wells*, and *Tidwell*, were appointed to constitute said committee.

A message from the House of Representatives, by Mr. *Manly*.

Mr. *President*—I am instructed by the House of Representatives, to inform you, that they have appointed a Joint Committee of five, consisting of Messrs. *Manly*, *Whinnery*, *A. Scott*, *Menefee* and *Smith*, to join such committee as has or may be appointed on the part of the Legislative Council, to take into consideration and to report the best means of appropriating the ten sections of land donated by the Congress of the United States to the Territory of Arkansas, for the purpose of building a State-House or Public Building, at Little Rock, for the use of the General Assembly, by an act passed the 2d of March, 1831.

Which said message was received, and on motion of Mr. *McAmy* to concur therein, the question was decided in the affirmative; and Messrs. *McAmy*, *Witter*, *Sinclear*, *Blount*, and *Farrelly*, were appointed a committee on the part of the Legislative Council, to act jointly with that of the House of Representatives; and ordered, that Mr. *Farrelly* inform the House of Representatives thereof.

On motion of Mr. *Pennington*, Mr. *Sinclear* was added to the Committee on the Militia.

A message from the House was read, informing the Council, that the House have concurred in the amendment made by the Council, to the resolution praying the attendance of the Council in the House of Representatives, for the purpose of electing an Enrolling and Engrossing Clerk.

On motion of Mr. Farrelly,

Ordered, That the Secretary of the Legislative Council procure the necessary Stationary for its use.

And then, on motion of Mr. Farrelly, the Legislative Council adjourned until 10 o'clock to-morrow morning.

HOUSE OF REPRESENTATIVES.

The House met pursuant to adjournment, and the Speaker announced the following Standing Committees:

Committee of Elections.—Messrs. Calvert, Pope, Stilwell, Magness and Rutherford

Of Ways and Means.—Messrs. Wilson, Wolf, Hanks, Livingston and Talbot.

To Draft Memorials.—Messrs. A. Scott, Whinnery, Calvert, Clark and Gibson.

On the Judiciary.—Messrs. Pope, Hudspeth, Crutchfield, Brown and Hanks.

On the Militia.—Messrs. Clark, Calvert, Whinnery, Rutherford and T. Scott.

Joint Committee to examine the Books of the Auditor and Treasurer.—Messrs. Menefee, Manly and Livingston.

Joint Committee to receive and examine sealed proposals for the Public Printing.—Messrs. Manly, Pope and A. Scott.

Joint Committee on Enrollments.—Messrs. Brown and Smith.

On motion of Mr. Wilson, the orders of the day were then taken up.

The resolution to authorize the Clerk of this House to appoint an Assistant Clerk, was then taken up, and on motion of Mr. Menefee, the said resolution was withdrawn.

Mr. A. Scott moved that the resolution offered yesterday, inviting the Legislative Council to the Hall of the House of Representatives, for the purpose of electing an Enrolling and Engrossing Clerk, be now taken up; and the question on the adoption of said resolution being taken, it was decided in the affirmative, and Mr. A. Scott was appointed to inform the Legislative Council by message thereof.

On motion of *Mr. Brown*, it was

Resolved, That the Editors of the newspapers printed in Little Rock, be admitted to come within the bar of the House of Representatives, to copy the Journals.

Which resolution was adopted.

Mr. Calvert offered the following resolution:

Resolved, That whenever it may be deemed necessary, this House shall proceed to the election of an Assistant Clerk.

Which resolution, on motion of *Mr. Wilson*, was ordered to lie on the table.

Mr. Menefee reported, that the committee appointed to wait upon the Governor, had performed the duties assigned, and that the Governor would make a communication to both Houses of the Legislature, at 12 o'clock, to-morrow.

On motion of *Mr. Manly*, it was

Resolved, That a Joint Committee be appointed to take under consideration, and report the best means of appropriating the ten sections of land donated by the Congress of the United States to the Territory of Arkansas, for the purpose of erecting a State-House, or Public Building, at Little Rock, for the use of the General Assembly, by an act passed the second day of March, 1831.

On motion of *Mr. Smith*, it was

Resolved, That the House forthwith enter upon the election of an Assistant Clerk.

Whereupon, Messrs. *Smith* and *Wilson* being appointed tellers, the House proceeded to ballot for said Assistant Clerk; and upon counting the votes, it appeared that Edwin T. Clark had 11, Charles McClelland had 7, and Frederick Fletcher had 6 votes.

No one of the candidates having a majority of the whole number of votes, and there being no election, the nomination of Frederick Fletcher, on motion of *Mr. Menefee*, was withdrawn.

The House then proceeded to a second balloting; and upon counting the votes, it appeared that Edwin T. Clark had 14, and Charles McClelland had 10 votes.

Whereupon, it was declared, that EDWIN T. CLARK was duly elected Assistant Clerk to this House, was qualified, and proceeded to the discharge of his duties.

The SPEAKER, having announced to the House his

readiness to appoint the committee to take into consideration and report the best means of appropriating the ten sections of land appropriated by Congress to erect a State-House, at Little Rock;

Mr. *Manly* moved that said committee consist of five members.

Mr. *T. Scott* then moved that the committee consist of nine members.

And the question being taken upon Mr. *T. Scott's* motion, it was decided in the negative.

Whereupon, Mr. *Manly's* motion being in order, the question was thereupon taken, and decided in the affirmative.

Upon which the SPEAKER announced the following committee, to-wit:—Messrs. *Manly, Whinnery, A. Scott, Menefee, and Smith*; and Mr. *Manly* was appointed to inform the Legislative Council thereof.

Mr. *Manly* gave notice, that, on Monday next, he should ask leave to introduce a bill to alter the mode of summoning jurors, and allowing them compensation.

A message from the Legislative Council, by Mr. *Farrelly*.

Mr. *Speaker*—I am instructed to inform you, that the Legislative Council have concurred in the resolution appointing a committee to take into consideration and report the best means of appropriating the ten sections of land donated to the Territory, for the purpose of erecting public buildings; and have appointed on their part, Messrs. *McAmy, Witter, Sinclear, Blount, and Farrelly*.

A message from the Legislative Council, by Mr. *McAmy*.

Mr. *Speaker*—I am instructed to inform you, that the Legislative Council have so amended the resolution of your House, on the subject of electing an Enrolling and Engrossing Clerk, as to fix the hour of eleven, on to-morrow, A. M. when the Council will meet the House in the Representatives Hall, for that purpose.

On motion of Mr. *Rutherford*, the House agreed to said amendment, and Mr. *A. Scott* was appointed to inform the Legislative Council thereof.

On motion of Mr. *Hanks*, the House adjourned.

LEGISLATIVE COUNCIL.

Wednesday, October 5, 1831.

The Legislative Council assembled.

On motion of Mr. *McAmy*, it was

Resolved, That permission be granted to the Editors of the several newspapers in this place, to come within the bar of the Legislative Council, and extract from the Journals thereof such matter as they may deem important to their patrons, under such regulations as the House may prescribe.

A message from the House of Representatives, by Mr. *Wilson*:

Mr. President—I am instructed to inform your honorable body, that the House of Representatives have appointed Messrs. *Manly*, *Pope*, and *A. Scott*, a Joint Committee on the part of the House of Representatives, to join such committee as may be appointed by the Legislative Council, to receive sealed proposals for public printing; and ask your concurrence thereto.

Mr. *McAmy* moved for the concurrence of the Legislative Council; and the question being taken thereon, was decided in the affirmative.

On motion of Mr. *Witter*, the yeas and nays were required thereon, and were as follows, to wit:

Yeas.—Messrs. *Blount*, *Boswell*, *Bridges*, *Collins*, *Farrelly*, *Hackett*, *Hartfield*, *Hughes*, *Lincecum*, *McAmy*, *McKenzie*, *Orr*, *Patton*, *Pennington*, *Sinclear*, *Tidwell*, *Wells*, *Witter*, *Wolf*, and Mr. President.—20.

Nay.—Mr. *Ingram*—1.

And Messrs. *McAmy*, *Farrelly*, *Boswell*, *Sinclear*, and *Hartfield*, were appointed the committee on the part of the Legislative Council.

Mr. *McAmy* moved to rescind the resolution of yesterday, concurring with a resolution of the House of Representatives, to elect an Enrolling and Engrossing Clerk for the present Legislature.

And on motion of Mr. *Lincecum*, the yeas and nays were required, and stood as follows, to wit:—

Yeas—Messrs. *Boswell*, *Collins*, *Hackett*, *Hartfield*, *Lincecum*, *McAmy*, *Orr*, *Tidwell*, *Wells*, *Witter*, and *Wolf*.—11.

Nays—Messrs. *Farrelly*, *Hughes*, *Ingram*, *McKenzie*, *Patton*, *Pennington*, *Sinclear*, and Mr. President.—8.

And on motion of Mr. *McAmy*, a call of the Legislative Council was made, Mr. *Douglass* sent for, and the

vote retaken; when the yeas and nays stood as follows, to wit:—

Yeas—Messrs. Boswell, Collins, Douglass, Hackett, Hartfield, Lincecum, McAmy, Orr, Pennington, Tidwell, Wells, Witter, and Wolf.—13.

Nays.—Messrs. Blount, Bridges, Farrelly, Hughes, Ingram, McKenzie, Patton, Sinclear, and Mr. President.—9.

So the resolution was rescinded, and Mr. *Sinclear* ordered to inform the House of Representatives thereof.

A message from the House of Representatives, by Mr. *Brown*:

Mr President—I am instructed to invite your honorable body into the Hall of the House of Representatives, at 12 o'clock to-day, to receive the message of the Governor.

Then, on motion of Mr. *Farrelly*, the Legislative Council repaired, at the hour of 12 o'clock, to the Hall of the House of Representatives, when a message was received from the Governor, by the hands of JOHN T. FULTON, his Private Secretary. [← *For message, see this day's proceedings in the House of Representatives.*]

The Legislative Council, having retired to their Chamber, on motion of Mr. *Farrelly*, it was

Ordered, That five hundred copies of the Governor's message be printed for the use of the Legislative Council; and that the Secretary of the Legislative Council procure the printing to be done.

Mr. *Farrelly* nominated Charles P. Bertrand, Editor of the Arkansas Advocate, as a suitable person to do said printing; and Mr. *McAmy* nominated William E. Woodruff, Editor of the Arkansas Gazette; and on the vote being taken, Charles P. Bertrand had 13, and William E. Woodruff had 9 votes.

Ordered, That the Secretary of the Legislative Council procure sixty copies of the Rules of the Legislative Council and the Joint Rules of the two Houses, to be printed by Charles P. Bertrand.

On motion of Mr. *Wolf*, Mr. *Orr* was added to the Committee on Elections.

And then, on motion of Mr. *Farrelly*, the Legislative Council adjourned until 10 o'clock to-morrow morning.

HOUSE OF REPRESENTATIVES.

Mr. *Menefee* presented a petition from sundry citizens of the county of Conway, praying for a division of said county, which was read, and ordered to be laid on the table.

Mr. *Livingston* presented the petition of Chilo A. Mottier, praying for relief, which was read and referred to a Select Committee, consisting of Messrs. *Livingston*, *Hudspeth*, and *Wilson*.

Mr. *Manly* offered the following resolution, to wit:

Resolved, That the House of Representatives deem it unnecessary to go into the election of an Enrolling and Engrossing Clerk, and that the Legislative Council be informed thereof.

Which resolution was decided by the Chair to be out of order.

Mr. *Wilson* presented the following resolution:

Resolved, That the House rescind the resolution adopted yesterday, for the election of an Enrolling and Engrossing Clerk, and ask the concurrence of the Legislative Council therein.

Which resolution was decided by the Chair to be out of order; from which decision an appeal to the House was taken; and the question thereon being taken, it was decided in the affirmative. The yeas and nays being required by two of the members, they were as follows:

Yeas.—Messrs. Brown, Calvert, Clark, Crutchfield, Fillingim, Gibson, Hanks, Holland, Hudspeth, Livingston, Magness, Menefee, Pope, Rutherford, Scott of Pope, Stillwell, and Whinnery.—17.

Nays.—Messrs. Manly, Scott of Hempstead, Smith, Talbot, Wilson, and Wolf.—6.

Mr. *Whinnery* offered the following resolution:

Resolved, That a Select Committee be appointed to inquire into the expediency of reducing the County and Territorial expenditures, and that they have leave to report by bill or otherwise.

Which resolution, on motion of Mr. *Wilson*, was laid upon the table.

Mr. *Wilson* gave notice, that, on Monday next, he would ask leave to introduce a bill to authorize the executors of Joseph Janes, deceased, to remove the administra-

tion of said estate from the county of Lafayette to the county of Clark.

Mr. *Clark* gave notice, that, on Tuesday next, he would ask leave to introduce a bill to regulate Attornies fees.

Mr. *Menefee* gave notice, that, on to-morrow, he would ask leave to introduce a bill in amendment to the several laws regulating revenue.

Mr. *Crutchfield* gave notice, that, on Wednesday next, he would ask leave to introduce the following bills, to wit:—A bill amendatory and supplementary to the act passed October 22d, 1828, entitled “An act further to regulate the payment of costs in criminal and penal cases; also, a bill to enlarge the powers and extend the duties of coroners. And, on Friday, the 14th instant, a bill concerning suits on penal bonds.

Mr. *Scott* of Pope, gave notice, that, on Wednesday next, he would ask leave to introduce a bill regulating elections, and prescribing the qualifications of electors.

Mr. *Smith* gave notice, that, on Tuesday next, he would ask leave to introduce a bill for the purpose of taxing clock pedlars vending such articles within the limits of this Territory.

On motion of Mr. *Wilson*, Mr. *Fillingim* was added to the Committee of Ways and Means.

On motion of Mr. *Clark*, Mr. *Menefee* was added to the Committee on Memorials.

Mr. *Wilson* moved that a committee be appointed to examine the Rules of the House, and report what alterations are necessary; which motion was agreed to, and Messrs. *Wilson*, *Calvert*, *Scott* of Pope, *Pope*, and *Hudspeth*, were appointed that committee.

On motion of Mr. *Hudspeth*, Mr. *Brown* was added to that committee.

On motion of Mr. *Wilson*, Mr. *Rutherford* was added to the same committee.

The following message was received from the Legislative Council, by Mr. *Bridges*:

Mr. *Speaker*—I am instructed to inform the House of Representatives, that the Legislative Council have appointed

Messrs. *McAmy, Farrelly, Boswell, Sinclear, and Hartfield*, as a committee on their part, to act in conjunction with the committee heretofore appointed on the part of the House of Representatives, to receive proposals for the public printing of the Territory.

The Legislative Council, having repaired to the Hall of the House of Representatives, the Governor of the Territory of Arkansas then transmitted, through JOHN T. FULTON, his Private Secretary, the following

MESSAGE.

*Gentlemen of the Legislative Council,
and House of Representatives :*

In meeting you a second time, assembled to deliberate on the general and local interests of the Territory, I feel gratified to be able to announce to you, and our fellow-citizens here and elsewhere, the rapid increase of population, and the improvement and growing prosperity of this new country. From the Federal and Territorial census, we may fairly estimate an addition of near ten thousand to our numbers, since your last session ; and that the period is at hand, when the people may rightfully claim to be admitted into the Union as a State, on equal ground with the other members of the Confederation. It is only necessary for this country and its superior advantages, to be understood, at a distance, to swell the tide of emigration.

The difficulties and collisions with which we were threatened under the authority of the Mexican Government, have subsided, and the Government of the United States, and that of Mexico, have agreed to suspend any interference with the settlements or country claimed on either side ; and that things shall remain as they are, until the questions of right and boundary can be amicably and finally adjusted. Pursuant to this understanding, and temporary arrangement between the two Governments, the President of the United States has instructed me to exercise and maintain jurisdiction to the extent it has been heretofore uniformly claimed and exercised by the authorities of the Territory, but not to transcend that limit ; and under the advice and instructions of the President, received through the Secretary of State, it becomes my duty to warn the people of this Territory to conform to the views of the President, and not to settle beyond the boundary referred to, with any view to protection from the national or local authorities of the United States. Good faith, and the friendly relation subsisting between the American and Mexican Governments, demand this course.

You and your constituents may be assured that the President will be mindful of the rights of the nation, and the well-being and security of this Territory.

That Little Rock is destined to be the permanent Seat of Government, when Arkansas shall become a State, seems to be generally admitted: and Congress, taking this for granted, did, at the last session, in a spirit of liberality so often manifested towards this people, appropriate ten sections of land, to be applied to the erection of public buildings at this place, under your direction. The lands may be selected in quarter sections, and the subject demands your early and special attention.

The late pre-emption law, passed by Congress, has secured a large portion of the settlers and improvers of the public lands against the grasp of speculators; but much remains yet to be done. The first settlers and improvers of a new country have fair claims to preference, and I beg leave to press on your consideration, the necessity and propriety of soliciting the National Legislature, to extend the pre-emption law to all who have or may hereafter settle on and improve the public lands, before it is entered by any other person, provided they enter and pay the government price within a reasonable time.

With regard to the expediency and necessity of opening channels of communication between the interior of this country and the river Mississippi, and the States, I can add but little to the views presented in my former communication to the General Assembly. Of the parental care and liberality of the National Government, you have no reason to doubt. Our Delegate succeeded, at the last session, in procuring an appropriation of 15,000 dollars, for a very important road through this Territory, and the work is now in progress, and will, in a few months, be completed. Bills, providing liberal appropriations for other roads, and the improvement of our rivers, have been reported by the proper committee, to the House of Representatives, but for the want of time, and the press of other business, has not been acted on. There is every reason to believe, that these appropriations will be made at the next session of Congress. The Committee of Internal Improvements, by a unanimous vote, reported a bill, making an appropriation of 10,000 dollars, for the improvement of the road from the Mississippi, near Memphis, to this place, which has never been reached in the regular course of business. Of the success of this bill, I entertain no doubt. This road through this Territory to the Mexican boundary, may well be deemed a measure of national utility, and is a necessary channel of communication between the upper part of this Territory, on the Mississippi, and the interior, and be-

tween that river and the counties of St. Francis, Jackson, Lawrence, and other northern counties. As a leading mail route from Memphis to the West, it is not only important to the people here, but to the National Government. All must be aware, that the settlement of this country is much retarded for the want of a good practicable route from the Mississippi to the interior. From the best information I have been able to obtain, a good road, passable at all seasons of the year, can be made, at less expense, from Helena to this place, than from any other point on the river, and the distance does not exceed 110 miles. From 3000 to 5000 dollars will probably be sufficient to make this road, and I most earnestly recommend a memorial to Congress for an appropriation for it. Emigrants descending the river, will find it more convenient and practicable to reach the interior of this country, from Helena, than from any other place. It is believed, that the importance and advantages of this route have not been well understood or duly appreciated.

It affords me infinite satisfaction to be able to assure the President, and the people of the United States, that perfect harmony and friendship is maintained between the white population here, and our Indian neighbors, and I indulge the pleasing and confident hope, that the citizens of this Territory will observe to the emigrating Indians, who are settling on our border, that justice, kindness and forbearance, which will insure to them the happy condition of peace, happiness and independence, they have been led to anticipate.

Under the instructions of the Secretary of the Treasury, Governor Izard appointed an agent to select the seventy-two sections of land reserved by Congress for a Seminary of Learning in this Territory. The work was not finished before his death: some selections were made after his death, by different individuals, under the authority of the then Acting Governor, and the business has been completed under my authority, since I came into office. It is believed that the selections have been judiciously made, and that the business has been faithfully performed: but the persons employed have received no compensation for expenses incurred, or the labor of executing the work. I have in vain pressed the Secretary of the Treasury to pay for the services rendered in making these selections, but no appropriation has been made by Congress to authorize payment at the Treasury. Your Delegate in Congress has exerted his talents and influence to procure compensation from the National Legislature, for these services. It seems probable, that the burden of providing payment for selecting these lands,

will be devolved on the people of this Territory, for whose benefit this valuable fund has been reserved; and I most earnestly urge on your consideration the justice and propriety of making provision for paying these agents a fair and liberal compensation. The services have been rendered, and payment ought not to be withheld or delayed.

Permit me to remind you, that, to the General Assembly it belongs, in future, to fix the ratio and apportion the representation; and that it will be proper for you, before the close of the present session, to make some legislative provision on the subject.

The reports of the Auditor and Treasurer have been received, and are herewith transmitted, showing the state of the revenue and the fiscal concerns of the Territory for the last two years. An adjustment and regulation of the taxes, so as to redeem the scrip in circulation as soon as practicable, is respectfully recommended.

The modification of your Judicial System, made two years ago, has met with general approbation, with the exception of objections to the County Courts, in some parts of the country, from causes temporary in their nature, which an amendment of the law will soon remove. Partial evils or temporary inconveniences ought not to induce the abandonment of a system in its character and principles sound. A reasonable degree of stability in the laws and institutions, is essential to the happiness and prosperity of every community, and it is right and proper that every measure which has received the sanction of every branch of the Legislative department, should have a full and fair experiment. It is confidently believed, that the Judicial System of Arkansas, with a little amendment, is equal to any in the Union, and it would be rash and unwise to repeal it hastily. To make the County Court System fulfil the expectations of its authors, and accomplish the objects for which it was designed, it will be necessary and proper to provide a better compensation for the Judges, and this can be done without drawing on the Treasury, by a tax on Letters of Administration, Probate of Wills, and other process and proceedings of that tribunal. This would bring on the bench, and induce their continuance, business-men qualified to discharge the duties of the office. No branch of the civil administration is more important than that which secures widows, orphans, and creditors, against the frauds and speculations of guardians, executors and administrators; and on no subject have I heard so much complaint in this Territory, as of the management of the estates of deceased persons. To improve the tribunal appointed to guard the estates of the dead, for the benefit of the living, who may be entitled to them, is

a primary duty with the General Assembly.

I beg leave to recommend a review and amendment of your criminal code, with a special reference to the crime of murder. Many valuable citizens here, and in some of the States, are daily falling by the dirk or pistol, or other deadly weapon, - upon ordinary provocations, and without necessity; and the crime is, by the ingenuity of lawyers, and the technical and metaphysical distinctions of jurists, so often mitigated to the grade of manslaughter, that the law is disarmed of half its terrors. The frequency of their occurrence tends to familiarize the minds of men with scenes of blood, and lessens that horror and indignation which the crime of murder is calculated to awaken in a civilized community. While we profess great reverence for the will, instructions and sovereignty of the people, we are not sufficiently regardful of the will and instructions of Him who is sovereign over all. The will of God is entitled to some consideration, as well as the will of man. We are told in Holy Writ, that "whoso sheddeth man's blood, by man shall his blood be shed:" by which we are to understand, according to the explanations and examples furnished by Moses, that, to kill voluntarily, and not in necessary self-defence, is murder, and the murderer shall be given up to the avengers of blood. If a man hate his neighbor, and lie in wait for him, and rise up against him, and smite him mortally that he die; or if he smite his neighbor with an instrument of iron, or other deadly weapon, so that he die, he is a murderer, according to the law of God, as delivered by Moses. And the definition of murder, by a distinguished English jurist, corresponds, in substance, with that recorded by Moses. He lays it down, that, in cases where no previous malice existed, if one man strike another with a weapon calculated to produce death, and death ensues, malice will be implied, and the killing will be held murder, because a man who uses such a weapon, unless in defence of his own life, or to save his person from great bodily harm, shows a heart regardless of the social tie, and fatally bent on mischief.

It is confidently believed, that nothing has conduced more to disturb the public peace, and impair the security of human life, than the mitigation of murder to manslaughter, in cases of ordinary provocation, or sudden heat and passion. Men should be taught to bridle their passions, when life is at stake, and no excuse for shedding blood should be received, but that of necessity. The distinction between murder and voluntary manslaughter should be abolished in all cases where a dirk, pistol or other deadly weapon is used, except in necessary self-defence. If a few cases of extra-

ordinary provocation might form reasonable exceptions to the general rule, it would be better to leave them to the consideration of the Executive, under the influence of public opinion—generally inclined to the side of mercy—than to destroy that rule which has been found necessary in all ages to the security of human life. Should the General Assembly deem it improper or inexpedient to change the law to the extent suggested, I trust you will adopt the rule proposed, so as to reach all cases of homicide perpetrated by dirk, pistol or other deadly weapon, except in cases of self-defence, otherwise we shall soon become as famous for using secret daggers as the Spaniards have ever been for the use of the stiletto. A man, conscious of his own integrity of purpose, unless he has special reason to apprehend danger, ought not to carry such weapons, in the civil and social walks of life; and he who wears them, should be held to a rigid accountability for their use.

Many subjects which deserve your consideration, have probably escaped my notice, and I must trust to your better knowledge of the concerns and wants of the people, and the defects in the laws or their administration, to supply what I may have omitted in this communication.

For the peace, happiness and general prosperity with which we are surrounded, let us offer up our grateful thanks to the Author and Giver of every good thing.

In conclusion, I have to assure you of my prompt concurrence in any and every measure calculated to advance the prosperity and happiness of your constituents, and the general welfare of the Territory.

JOHN POPE.

Little Rock, October 5th, 1831.

The petition of John Palmer, contesting the election of Nehemiah Holland, of the county of Jefferson, was presented and received by the House, and on motion of Mr. Manly, referred to the Committee on Elections.

A message from the Legislative Council, by Mr. Sinclair.

Mr. Speaker—I am instructed to inform the House of Representatives, that the Legislative Council have rescinded the resolution, that they would meet the House of Representatives, on this day, for the purpose of electing an Enrolling and Engrossing Clerk.

Mr. Manly offered the following resolution:

Resolved, That the Clerk of the House of Representatives be instructed to have ——— copies of the Governor's

message printed for the use of the members of this House, on the most reasonable terms that can be made with a printer.

And the question being taken on the passage thereof, it was carried in the affirmative.

Mr. *Scott* of Pope, moved that the blank in said resolution be filled with 500, and Mr. *Calvert* moved that it be filled with 1000; and the question on filling up the blank with 1000 being taken, it was carried in the affirmative, and 1000 copies of the Governor's message ordered to be printed.

On motion of Mr. *Calvert*, it was

Resolved, That so much of the Governor's message as relates to occupants of public lands, be referred to the Committee on Memorials.

And the House adjourned until to-morrow morning, 10 o'clock.

LEGISLATIVE COUNCIL.

Thursday, October 6, 1831.

Mr. *Orr* presented a petition from sundry citizens of Lawrence county, praying the General Assembly to take into consideration an act passed by the Legislature in 1823, establishing the office of Prosecuting Attorney, and to pass an act explanatory of the same, so as to produce uniformity and certainty in the fees of that officer.

Ordered, That said petition be referred to the Committee on the Judiciary.

Ordered, on motion of Mr. *Blount*, That a Standing Committee be appointed on the Sixteenth Sections of Lands reserved for the use of Schools, to consist of Messrs. *Blount*, *Palton*, *Hartfield*, *Hughes*, and *Tidwell*.

On motion of Mr. *McAmy*, the Governor's message was read at the Secretary's table.

On motion of Mr. *Farrelly*, it was

Resolved, That so much of the Governor's message as relates to State Government, be referred to a Select Committee of five members.

And Messrs. *Farrelly*, *Witter*, *Sinclear*, *Blount*, and *Pennington*, were appointed to constitute said committee.

On motion of Mr. *McAmy*, so much of said message as relates to the ten sections of land given by the Con-

gress of the United States to the Territory of Arkansas, for the purpose of erecting a Public Building at Little Rock, was referred to the Select Committee already appointed for that purpose.

On motion of Mr. *Farrelly*, it was

Ordered, That the Documents accompanying the Governor's message, and left in the House of Representatives, be sent for.

On motion of Mr. *Hughes*, it was

Resolved, That so much of the Governor's message as relates to the extension of the pre-emption law, be referred to a Select Committee of five members.

And Messrs. *Hughes*, *Hartfield*, *Tidwell*, *Collins*, and *Douglass*, were appointed to compose said committee.

On motion of Mr. *Bridges*, it was

Ordered, That so much of said message as relates to the road leading from Memphis to Little Rock, be referred to the Committee on Memorials.

On motion of Mr. *McKenzie*, it was

Resolved, That so much of the Governor's message as refers to the opening of a road from Helena, on the Mississippi, to the interior of the Territory, be referred to a Select Committee.

And Messrs. *McKenzie*, *Ingram*, *Patton*, *Wells*, and *Lincecum*, were appointed said committee.

On motion of Mr. *Witter*, it was

Resolved, That so much of the Governor's message as relates to the selection of the Seminary Lands, and the compensation to the Agents who selected the same, be referred to the Committee on Memorials.

On motion of Mr. *McAmy*, it was

Ordered, That so much of the Governor's message as relates to the apportionment of the Members of the House of Representatives, be referred to a Select Committee of five members.

And Messrs. *McAmy*, *Bridges*, *Farrelly*, *Orr*, and *Wolf*, were appointed to compose said committee.

On motion of Mr. *Boswell*, it was

Resolved, That so much of the Governor's message as relates to the Auditor's and Treasurer's Accounts, be referred to the Joint Committee appointed to examine the Books of those officers.

On motion of Mr. *Sinclear*, it was

Ordered, That so much of the Governor's message as re-

lates to the County Court System, be referred to the Committee on the Judiciary.

On motion of Mr. *Ingram*, it was

Ordered, That so much of the Governor's message as relates to the Criminal Code, be referred to the Committee on the Judiciary.

On motion of Mr. *Sinclear*, it was

Resolved, That the Legislative Council instruct the Committee on Memorials to take into consideration the expediency of memorializing Congress on the subject of a road from Jefferson Barracks, in the State of Missouri, leading southwardly, so as to cross the Arkansas river, at or near Fort Smith, and thence to old Fort Towson, on or near Red river.

On motion of Mr. *Lincecum*, it was

Resolved, That the Committee on Memorials be instructed to inquire into the expediency of memorializing Congress for a farther appropriation of money to repair and complete the road from Memphis (Tenn.) to Little Rock.

Mr. *Furrelly* gave notice, that, on to-morrow, he would ask leave to amend the Rules of this House.

And also, that, on to-morrow, he would ask leave to introduce a bill for the relief of the Sheriff of Arkansas county.

On motion of Mr. *Wolf*, it was

Resolved, That a Select Committee be appointed to take into consideration the Revenue Laws of this Territory, with leave to report by bill or otherwise.

And Messrs. *Wolf*, *Sinclear*, and *Orr*, were appointed said committee.

On motion of Mr. *Bridges*, it was

Resolved, That the Committee on Memorials be instructed to inquire into the expediency of memorializing Congress upon the subject of opening a road from Randolph, Tennessee, to Batesville, A. T.

On motion of Mr. *Patton*, it was

Resolved, That the Committee on Memorials be instructed to inquire into the expediency of memorializing Congress on the subject of an appropriation for the purpose of clearing out the obstructions in the Bayou Bartholomew, so as to make it navigable.

On motion of Mr. *Hartfield*, it was

Resolved, That the Committee on Memorials be instructed to take into consideration the expediency of memorializing Congress for an appropriation to repair and amend the

Military Road from Natchitoches, in Louisiana, via Washington, in this Territory, to Cantonment Towson, in the Choctaw Nation, West of the Mississippi.

On motion of *Mr. Blount*, it was

Resolved, That the Committee on Memorials be instructed to inquire into the expediency of memorializing Congress for an appropriation for the repairing and improving the Military Road from Little Rock to Fort Smith.

On motion of *Mr. Orr*, it was

Resolved, That the Committee on the Militia be instructed to inquire into the propriety of limiting the Commissions of Militia Officers to a term of years, instead of the tenure during good behaviour, now authorized by law, with leave to report by bill or otherwise.

On motion of *Mr. Wolf*, it was

Resolved, That the Committee on Memorials be instructed to inquire into the expediency of memorializing Congress for an appropriation to improve the navigation of White river.

On motion of *Mr. Collins*, it was

Resolved, That the Committee on Memorials be instructed to inquire into the expediency of memorializing Congress on the subject of an appropriation to erect a Hospital at the Hot Springs, for the support of the poor and infirm, who resort there for their health.

Mr. Lincecum gave notice, that, on to-morrow, he would ask leave to introduce a bill changing the mode of selecting grand and petit juries.

Mr. Pennington presented a petition from sundry citizens of Pennington township, Union county, praying the General Assembly to memorialize Congress for an appropriation to open the navigation of the Bayou Saline; which said petition was referred to the Committee on Memorials.

And then, on motion of *Mr. Farrelly*, the Legislative Council adjourned to 10 o'clock to-morrow morning.

HOUSE OF REPRESENTATIVES.

Mr. Calvert, from the Committee on Elections, made the following

REPORT:

Mr. Speaker—Your Committee on Elections, to whom were committed the petition and papers of John Palmer, praying for a seat in this House, as Representative of Jef-

erson county, and contesting the election of Nehemiah Holland, agreeable to order, have had the aforesaid petition and papers under a thorough examination; and after mature deliberation on the testimony adduced, are of opinion that Mr. John Palmer has not so substantiated his claims as to entitle him to the seat of Mr. N. Holland. Therefore, your committee report in favor of the sitting Member, and respectfully submit this report, and the above named petition and papers, to the order of this House.

And, on motion of Mr. *Scott* of Pope, the report was committed to a committee of the whole House, and made the order of the day for to-morrow.

On motion of Mr. *Manly*, a committee was raised on Seminary Lands.

Mr. *Rutherford* moved that said committee be composed of five members.

Mr. *Crutchfield* moved that it be composed of seven members.

And the question being taken on Mr. *Crutchfield's* motion, it was decided in the negative.

The question was then taken on the motion of Mr. *Rutherford*, and decided in the affirmative.

And the Chair appointed Messrs. *Manly*, *Scott* of Pope, *Rutherford*, *Fillingim*, and *Wilson*, to compose said committee.

Mr. *Rutherford* moved the following resolution:

Resolved, That so much of the Governor's message as relates to the expediency and necessity of opening channels of communication between the interior of this country and the Mississippi, be referred to the Committee on Memorials.

Which resolution was adopted.

Mr. *Smith* moved that the following resolution be adopted:

Resolved, That the Committee on Memorials be instructed to inquire into the expediency of memorializing Congress for making an appropriation to continue the road leading from Washington, in Hempstead county, Arkansas Territory, to Jackson, in Lawrence county, to Hix's ferry, on the Currants river, in the Territory aforesaid; and, also, to extend the aforesaid road from Washington, in Hempstead county, to the south-western extremity of the Territory of Arkansas.

Upon which, the question being taken, it was decided in the affirmative.

On motion of Mr. Smith, Mr. Hudspeth was added to the Committee on Memorials.

Mr. Brown moved the following resolution:

Resolved, That that part of the Governor's message which relates to the Judicial System made two years ago, be referred to the Committee on the Judiciary.

Which resolution was adopted.

Mr. Brown gave notice, that he would ask leave to introduce the following bills, to wit: A bill to amend the law relative to appeals and certioraries, on Thursday next; also, a bill to repeal so much of the gaming law, passed and approved on the tenth of November, 1829, as makes it the duty of civil officers voluntarily to apprehend persons for gaming.

Mr. Smith moved the following resolution:

Resolved, That the Committee on Memorials be instructed to inquire into the expediency of memorializing Congress in favor of opening a road from Memphis, in Tennessee, through Jackson, Lawrence county, to Fayetteville, Washington county, in the Territory of Arkansas.

Which resolution was laid on the table.

Mr. Menefee moved the following resolution:

Resolved, That the Committee on Memorials be instructed to inquire into the expediency of a memorial to the President of the United States for the removal of the troops now stationed at Cantonment Gibson to Fort Smith.

Which resolution was adopted.

Mr. Manly moved the following resolution:

Resolved, That the Joint Committee appointed to examine the Auditor's and Treasurer's Books and Accounts, be instructed to examine and report what alterations, if any, are necessary in the Revenue Laws of this Territory, with leave to report by bill or otherwise.

Which resolution was adopted.

Mr. Talbot moved the following resolution:

Resolved, That the Committee on Memorials be instructed to inquire into the expediency of memorializing Congress for an appropriation to open and remove the obstructions to the navigation of White river.

Which resolution was adopted.

Mr. Clark moved the following resolution:

Resolved, That the Committee on Memorials be instructed to inquire into the expediency of memorializing Congress on the subject of making an appropriation to open a road

from Little Rock, by way of the Hot Springs, to our western boundary line, in the direction to Camp Phoenix, near the mouth of the Kiamechia.

Which resolution was adopted.

Mr. *Livingston* moved the follownig resolution:

Resolved, That so much of the Governor's message as relates to the Criminal Code, be referred to the Committee on the Judiciary.

Which resolution was adopted.

Mr. *Livingston* moved the following resolution:

Resolved, That so much of the Governor's message as relates to the ratio or apportioning the Representation, be referred to a Select Committee.

Which resolution was adopted; which committee Mr. *Livingston* moved should consist of five members. The motion was agreed to, and Messrs. *Livingston*, *Scott* of *Pope*, *Smith*, *Scott* of *Hempstead*, and *Crutchfield*, were appointed that committee.

Mr. *Pope* moved the following resolution:

Resolved. That the Committee on Memorials be instructed to inquire into the expediency of memorializing Congress relative to the propriety of establishing a Land Office in the western part of the Territory of Arkansas.

Which resolution was adopted.

On motion of Mr. *Calvert*, it was

Resolved, That the Committee on Memorials be instructed to inquire into the expediency of memorializing the Congress of the United States to appropriate a sufficient sum of money to carry into effect a survey of the St. Francis river and the Wappanocca bayou, with a view to ascertain what obstructions to navigation are existing in said streams, and the probable expense of removing the same.

Which resolution was adopted.

Mr. *Scott* of *Pope*, offered the following resolution:

Resolved, That the Committee on the Judiciary be instructed to examine the laws of this Territory regulating proceedings on attachment, to see what alterations are necessary, and, if any, that they have leave to report by bill or otherwise.

Which resolution was adopted.

Mr. *Wilson* moved the following resolution:

Resolved, That the Committee on Memorials be instructed to inquire into the expediency of memorializing Congress to open and clear from obstructions the navigation of Wash-

ita and Little Missouri rivers, as high up as the mouth of the Ozan.

Which resolution was adopted.

On motion of *Mr. Crutchfield*, *Mr. Scott of Pope*, was added to the Committee on the Judiciary.

Mr. Manly moved the following resolution:

Resolved, That so much of the Governor's message as relates to executors and administrators, be referred to the Committee on the Judiciary, with leave to report by bill or otherwise.

Which resolution was adopted.

Mr. Gibson gave notice, that, on Monday next, he would ask leave to introduce a bill for the permanent location of the Seat of Justice for the county of Chicot.

On motion of *Mr. Menefee*, *Mr. Rutherford* was added to the committee to examine the Auditor's and Treasurer's Books.

Mr. Manly moved that the documents accompanying the Governor's message, be referred to the Joint Committee on the Auditor's and Treasurer's Books.

Mr. Brown moved the following resolution:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of revising the Laws of this Territory.

Which resolution was adopted.

Mr. Hanks moved the following resolution:

Resolved, That the Committee on Memorials be instructed to inquire into the expediency of establishing Land Offices in the eastern and southern parts of this Territory.

Which resolution, on motion of *Mr. Crutchfield*, was indefinitely postponed.

Mr. Pope gave notice, that, on Thursday next, he would ask leave to introduce a bill to amend the law relative to the punishment of the crime of horse stealing.

Mr. Scott of Pope, moved that the order postponing the consideration of the report of the Committee on Elections to to-morrow, be rescinded, and that the House now go into a Committee of the Whole, to take into consideration the said report; which motion was agreed to; and the House resolved itself into a Committee of the Whole, *Mr. Wilson* in the chair, on the report of the said Committee; and, after some time

spent thereon, Mr. Trimble moved that the Committee rise and report the said report without amendment, which was agreed to; and

On motion of Mr. Manly, the report of the Committee of the Whole was concurred in.

Mr. Livingston gave notice, that, on Tuesday next, he would ask leave to introduce a bill, to be entitled "an act amendatory to an act, passed at the session of 1818, entitled an act to provide a method of proceeding against absent and absconding debtors."

On motion of Mr. Livingston, Mr. Brown was added to the Committee of Ways and Means.

Mr. Scott of Pope, moved that the report of the Standing Committee on Elections, relative to the contested seat of Nehemiah Holland, be concurred in; upon which motion, the question being taken, it was carried in the affirmative; and

On motion of Mr. Menefee, the House adjourned.

LEGISLATIVE COUNCIL.

Friday, October 7, 1831.

Mr. McKenzie presented the petition of Edward Smith, praying a remuneration for his services in capturing and bringing to trial William Lockhart; which, being read, was referred to a Select Committee, composed of Messrs. McKenzie, Sinclear, and Bridges.

Mr. Blount presented the petition of sundry citizens of Conway county, praying the permanent location of their Seat of Justice, upon the lands of Nimrod Menefee; which, being read, was referred to a Select Committee, composed of Messrs. Blount, Hughes, and Hartfield.

Mr. Wolf, from the Committee on Elections, made the following

REPORT:

The Committee to whom the contested election of Wigton King and Wm. P. Hackett, of Jefferson county, was referred, beg leave to report: That they have had the same under consideration, and find, upon the examination of the papers, that the notice has not been given agreeable to an act

passed by the Legislature of the Territory of Arkansas, in October, 1821, supplementary to an act regulating elections, (as respects taking depositions,) but find, upon the examination of the original poll-book of Richland township, the name of John M. Amlin, and the same marked "*rejected for not having paid a tax,*" which said rejected vote appears to have been counted by the Judges of the Election to the said William P. Hackett, which makes, upon counting all the votes returned from said county, a majority of one vote to the said Hackett; which your Committee submit to your honorable body for their further consideration.

Which report was received; and, on motion of Mr. *Bridges*, referred to a Committee of the Whole, and made the order of the day for to-morrow.

Mr. *Witter* asked and obtained leave to introduce a bill, entitled "an act regulating writs of certiorari;" which was read a first time, and ordered to a second reading.

Agreeably to notice given yesterday, Mr. *Farrelly* asked and obtained leave to introduce a bill, entitled "an act for the relief of the Sheriff of Arkansas county;" which was read a first time, and ordered to a second reading.

On motion of Mr. *Collins*, it was

Resolved, That the Committee on the Judiciary be instructed to inquire whether any, and, if any, what amendments are necessary to the laws now in force to prevent Sabbath breaking, with leave to report by bill or otherwise.

On motion of Mr. *McAmy*, it was

Resolved, That the Committee on Memorials be instructed to inquire into the propriety of memorializing the Congress of the United States on the subject of establishing a third Land District, to consist of Pope, Crawford, Washington, and a part of Izard counties, and of establishing a Land Office therein.

Agreeably to notice given yesterday, Mr. *Farrelly* asked and obtained leave to introduce the following amendment to the Rules of the Legislative Council, to wit.—
"Rule 30. One day's notice shall be required for leave to introduce a bill of a general nature;" which said amendment was *rejected*.

On motion of Mr. *Collins*, it was

Resolved, That the Committee on Memorials be instructed to inquire into the propriety of memorializing Congress for the relief of innocent purchasers of Spanish confirmations.

On motion of Mr. *Lincecum*, it was

Resolved, That the Committee on Elections be instructed to inquire into the necessity of so amending the Law on Elections of 1829, as to have the Territorial and County Officers elected on the same day, and report by bill or otherwise.

A message from the House of Representatives by Mr. *Hudspeth*:

Mr. President—I am instructed to inform your honorable body, that the House of Representatives have appointed Messrs. *Wilson*, *Scott* of *Pope*, and *Hudspeth*, a committee to act in conjunction with the committee appointed on the part of the Legislative Council, to examine and report what alterations, if any, are necessary in the Joint Rules of both Houses.

On motion of Mr. *Farrelly*, Mr. *Boswell* was added to the Committee on the Sixteenth Sections of Lands reserved for the use of schools; and Mr. *Hartfield*, to the Committee to examine the Books of the Auditor and Treasurer.

Mr. *Sinclear* presented the petition of David D. *Williams*, praying the legitimation of two of his illegitimate children; which, being read, was referred to a Select Committee, composed of Messrs. *Sinclear*, *Blount*, and *Farrelly*.

Mr. *Pennington* asked and obtained leave to introduce a bill to revise and amend the Stray Laws; and Messrs. *Pennington*, *McAmy*, and *Witter*, were appointed a committee to prepare and bring in said bill.

And then, on motion of Mr. *Farrelly*, the Legislative Council adjourned.

HOUSE OF REPRESENTATIVES.

The House met pursuant to adjournment, and petitions from the counties were called for.

Mr. *Wilson*, from the Select Committee appointed to examine the Rules of this House, and report what alterations are necessary, made the following

REPORT:

Mr. Speaker—We, the committee raised to examine the

Rules of this House, to see if any defect be found therein, with leave to report the same to the House, now ask leave to report: We have had the same under consideration, and deem the following amendments necessary, viz: Amend the tenth rule in the 6th, 7th and 8th line, by striking out the words "without debate;" if there be no appeal, the decision of the Chair shall be submitted to. Also, amend the 18th rule, by striking out all after the word House, in the 3d line. Also, strike out the 19th rule, and insert the following: "When a question is under debate, no motion shall be received, unless to amend, commit, the previous question, or to adjourn." Also, strike out the 22d rule.— Also, add a rule after the 34th, viz: All memorials to the Congress of the United States, shall be read three times, and be subject to the same rules and regulations as bills are.

Which report was committed to a Committee of the Whole, and made the order of this day.

Mr. *Stilwell* moved the following resolution:

Resolved, That the Committee on Memorials be instructed to inquire the expediency of memorializing Congress on the propriety of an appropriation for opening a road from the Mouth of White river, in the county of Arkansas, to intersect the United States road leading from Memphis to the Seat of the Territorial Government in Arkansas, somewhere in the Grand Prairie.

Which was adopted.

Mr. *Brown* moved the following resolution:

Resolved, That a Select Committee be appointed to take into consideration all the laws now in force and use in this Territory, relative to Small Debts, and see if any alterations be necessary, and report by bill or otherwise.

Which was adopted, and said committee ordered to consist of three members.

Whereupon, Messrs. *Brown*, *Wilson*, and *Crutchfield*, were appointed that committee.

Mr. *Hanks* moved the following resolution:

Resolved, That the Committee on Memorials be instructed to inquire into the expediency of memorializing Congress on the subject of opening a road from Helena, to intersect the Military road leading from Memphis to Little Rock, at the Mouth of Cache river.

Which was adopted.

Mr. *Scott* of Hempstead moved the following resolution:

Resolved, That a Select Committee be appointed to,

inquire into the expediency of memorializing Congress to make an appropriation to open a road from Chicot, by way of Cote Fabre, and Washington, Hempstead county, to Paraclifta, Sevier county, in this Territory.

Which was adopted; and said committee ordered to consist of five members.

Whereupon, Messrs. *Scott* of Hempstead, *Clark*, *Rutherford*, *Gibson*, and *Wilson*, were appointed that committee.

Mr. Calvert moved the following resolution:

Resolved, That those lands which have been struck off to the Territory, by the several Sheriffs, at the sales for non-payment of taxes, are, in their present state, useless, both publicly and individually: Therefore,

Be it further resolved, That the Judiciary Committee be instructed to investigate their situation in the following particulars:

1st. Whether or not this Territory have a legal title to said lands; and, if not, whether or not she can, by any act of her Legislature, be vested with such title.

2d. If such title does or may exist, the proper course to pursue in order to transfer such titles to individuals.

Which resolution was adopted.

On motion of *Mr. Crutchfield*, it was

Ordered, That *Mr. Manly* be added to the Committee on the Judiciary.

Mr. Clark moved the following resolution:

Resolved, That the Committee on Memorials be instructed to take into consideration the propriety of memorializing Congress on the subject of changing the location of the Land Office for the Southern Land District in this Territory, so as to place it within the District, and as near central as practicable; and that the Districts be so changed as to make the Arkansas river the line.

Which was *negatived*.

Mr. Wilson moved that the House appoint a Joint Committee, to join such committee as had been appointed by the Legislative Council, to examine the Joint Rules of both Houses, and report what alterations, if any, are necessary; and said committee was ordered to consist of three members.

Whereupon, Messrs. *Wilson*, *Scott* of Pope, and *Hudspeth*, were appointed that committee.

Mr. Whinnery gave notice, that, on Friday next, he

would ask leave to bring in a bill to abolish imprisonment for debt.

The orders of the day were then called for and taken up.

Whereupon, on motion of Mr. *Hudspeth*, the House resolved itself into a Committee of the Whole, to take into consideration the report of the Select Committee appointed to examine and report what alterations are necessary in the Rules of this House, Mr. *Crutchfield* in the chair; and, after some time spent thereon, the committee rose, and reported the report of the Select Committee, with amendments, which were concurred in by the House.

And, on motion of Mr. *Crutchfield*, the House adjourned.

LEGISLATIVE COUNCIL.

Saturday, October 8, 1831.

Mr. *Sinclear* presented the petition of John Skaggs, praying to be divorced from his wife, Lucinda Skaggs; which, being read, was referred to the Committee on Divorce and Alimony.

Mr. *Wolf* presented the memorial of sundry citizens of Izard county, proposing the repeal of the law establishing County Courts; which, being read, was referred to the Committee on the Judiciary.

Mr. *Farrelly*, from the Joint Committee appointed to take into consideration and report the best means of appropriating the ten sections of land given by the Congress of the United States to the Territory of Arkansas, for the purpose of building a State House, at Little Rock, report—[*For which, see this day's proceedings of the House of Representatives.*]

Which report and resolution, on motion of Mr. *McAmy*, were ordered to lie on the table until Monday next.

Mr. *Sinclear*, from the Select Committee to whom was referred the petition of David D. Williams, made the following REPORT, to wit:

The Select Committee, to whom was referred the petition of David D. Williams, have had the same under consideration, and after an examination of the laws, are of the opin-

tion that the case of the petitioner is not one wherein relief can be had at law, and is one worthy of legislative interference. Your committee therefore ask leave to report a bill, entitled "An act for the relief of the illegitimate children of David D. Williams."

Which report was received, and leave granted to introduce a bill; and said bill was read the first time, and ordered to a second reading.

On motion of Mr. Orr,

Resolved, unanimously, That the Rev. William W. Stevenson be invited to preach in the Chamber of the Legislative Council, on to-morrow, at the hour of 11 o'clock, in the forenoon.

On motion of Mr. Sinclair,

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of repealing the 8th section of the revenue law of Missouri, in Geyer's Digest, which now compels parties to pay a tax of \$1 to the Territory, on writs and executions, before justice can be had.

On motion of Mr. McAmy, the Legislative Council resolved itself into a Committee of the Whole, pursuant to an order of yesterday, Mr. Wolf in the chair, on the contested election of William P. Hackett, the member from Jefferson; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. Wolf reported, that the committee had, according to order, had under consideration the contested election of William P. Hackett, the member from Jefferson, and that they had gone through the same, and were of opinion that the said William P. Hackett, sitting member from the county of Jefferson, should retain his seat in the Legislative Council.

Which report being received, was, on motion of Mr. Wolf, concurred in; and the said William P. Hackett ordered to retain his seat.

A message from the House of Representatives, by Mr. Crutchfield:

Mr. President—I am instructed to inform your honorable body, that the House of Representatives have agreed to the report of the Joint Committee on the Joint Rules, in the following particulars, that is, the amendments of the first paragraph. The amendment of the second paragraph is dis-

agreed to; and the following is added as a separate and distinct rule: "All bills, memorials or resolutions, ordered to be engrossed, shall be engrossed by the Clerk of the House in which the same originated;" and ask the concurrence of the Legislative Council to the same.

The bill, entitled "an act regulating writs of certiorari," was taken up, read a second time, and referred to a Committee of the Whole, and made the order of the day for Thursday next.

On motion of Mr. *Blount*,

Ordered, That Mr. *Sinclear* be added to the select committee appointed to take into consideration the petition of sundry citizens of Conway county, praying the permanent location of their Seat of Justice on the lands of Nimrod Menessee; and that Mr. *Hartfield* be excused from acting thereon.

The bill, entitled "an act for the relief of the Sheriff of Arkansas county," was taken up, read a second time, and committed to a Committee of the Whole, and made the order of the day for Wednesday next.

Mr. *Wolf* offered the following resolution:

Resolved, That no bill or bills, to dissolve the bonds of matrimony, be received into this House, as a matter of legislation, during the present session, unless it should be one of such a nature as the laws of this Territory have not provided for.

Which said resolution being objected to, on motion of Mr. *Wolf*, the ayes and noes were called for, and stood as follows, to wit:—

Yeas.—Messrs. *Blount*, *Boswell*, *Farrelly*, *Lincecum*, *McKenzie*, *Orr*, *Patton*, *Pennington*, *Wolf*, and Mr. President.—10.

Nays.—Messrs. *Collins*, *Hartfield*, *Ingram*, *McAmy*, *Sinclear*, *Tidwell*, *Wells*, and *Witter*.—8.

Mr. *Farrelly*, from the Joint Committee appointed to examine the Joint Rules and report thereon, made the following REPORT, to wit:—

The Joint Committee appointed to examine the Joint Rules, and report what amendments, if any, are necessary, have, in conjunction with the committee from the House of Representatives, had the same under consideration, and report the following amendments—[For which, see this day's proceedings of the House of Representatives.]

On motion of Mr. *Farrelly*, the 2d amendment was disagreed to; and, on his motion, the amendments

adopted by the House of Representatives, were agreed to, and adopted by the Legislative Council.

And then, on motion of Mr. *Farrelly*, the Legislative Council adjourned until Monday next.

HOUSE OF REPRESENTATIVES.

Mr. *Menefee* presented the petition of James Tucker, praying a divorce from his wife, Edah Tucker; which was read; and,

On motion of Mr. *Crutchfield*, referred to the Committee on the Judiciary.

Mr. *Smith* presented the petition of sundry inhabitants of Izard county, praying to be stricken off from the county of Izard, and attached to the county of Lawrence; which,

On motion of Mr. *Talbot*, was referred to a Select Committee, which was ordered to consist of three members; and Messrs. *Talbot*, *Smith*, and *Manly*, were appointed that committee.

Mr. *Scott* of Pope, from the Committee appointed to devise the best means of disposing of the ten sections of land appropriated by Congress, for the purpose of erecting a State-House at Little Rock, made the following

REPORT:

The Joint Committee, to whom was referred the resolution to inquire into the best means of disposing of the ten sections of land donated by the Congress of the United States to the Territory of Arkansas, for the purpose of building a house for the accommodation of the General Assembly, at Little Rock, by an act passed the 2d of March, 1831, have, in conjunction with the Committee on the part of the Legislative Council, had the same under consideration, and REPORT—

That a letter from Robert Crittenden was laid before your committee, which is herewith reported, proposing to exchange, for the ten sections of land aforesaid, his house in the town of Little Rock, with the office and other buildings and appurtenances thereunto annexed, and situate on the lots containing the same, and included within the fences; also, a descriptive measurement of said house, and an estimate of the cost, made by David G. Eller, a carpenter and master-builder, which is herewith reported, and amounting to the sum of ten thousand and six hundred dollars.

There was also laid before your committee, a statement, purporting to be made by Chester Ashley, proposing to give, in exchange for said land, his house and the lots whereon the same is situate, in the town of Little Rock; which communication is also reported.

There was also laid before your committee, a letter from Wm. McK. Ball, proposing to give, for said land, ten thousand dollars, on a credit of six and twelve months, and offered as securities, the names of Sam. C. Roane, Wm. E. Woodruff, Richard C. Byrd, Edward Cross, Joseph Henderson, and Elias Rector, provided the General Assembly would pass an act authorizing him, the said Ball, to locate the same in quantities not exceeding one quarter section; which letter is likewise herewith reported.

All of which propositions your committee took under mature deliberation. The first object, however, presented to your committee, in the event of an exchange or transfer of the land to individuals, was the necessity of protecting that class of our constituents who have made improvements on the public lands, and were unable to avail themselves of the late pre-emption law. To have placed individuals, thus situated, at the mercy of the speculator, would have been an act of injustice to the individual, inconsistent with our political or delegated power, and, in the opinion of your committee, never intended by the donors. Restrictions, calculated to secure the labor of the settler on the public domain, placed on the locations to be made, under the act of Congress aforesaid, reduced the value of the donation, or reduced this land, at best, on an equality with the unimproved lands of the United States, which, on a comparative view of the sales at the Land Office at Little Rock, will be found, in no case within the last few years, to have exceeded the minimum of one dollar and twenty-five cents per acre—making the donation worth \$8,000.

Taking this view of the subject, and sensible of the delay and expenses that must necessarily occur in the disposal of said lands, and the inconvenience which the present General Assembly labors under, in consequence of the want of a suitable house to hold their present session, your committee have come to the conclusion, that the most advantageous disposition of those lands that can be made, at the present time, will be to exchange them with Mr. Crittenden, for the house proposed, under the restriction in the locations, which he (Crittenden) has agreed to, viz: The same that is imposed by an act of Congress restricting the location of donation claims on improvements, without the consent of the owner, and which your committee are unable specifically to refer to for the want of said act.

All of which your committee respectfully submit, together with the following resolution :

Resolved, That the report of the Joint Committee on the ten sections of land, donated to the Territory of Arkansas for the purpose of building a house at the Seat of Government, for the accommodation of the General Assembly, passed the 2d day of March, 1831, be concurred in, and that the proposition of Robert Crittenden be accepted, under and subject to the limitations imposed on the location of donation claims, by an act of Congress, entitled "An act restricting the location of certain land claims in Arkansas," passed the 6th of January, 1829; and that the committee be discharged from the further consideration of the subject.

Which, on motion of Mr. Scott of Pope, was committed to a Committee of the Whole, and made the order of the day for Monday next.

Mr. Scott of Pope, from the Joint Committee on the Joint Rules, made the following

REPORT:

1st. Amend the 6th Rule, in the 2d line, by striking out the word "one," and inserting in lieu thereof the word "three;" and in the 3d line, by striking out the word "two," and inserting in lieu thereof the word "three."

2d. In the 11th rule, after the word "House," in the 2d line, insert the following: "Or when notice shall be given by any member of either House, of his intention to introduce a bill or resolution on a named day, or when a reference is made to any Standing Committee of either House."

Which report was ordered to lie on the table.

Mr. Crutchfield moved that the order appointing Monday next for taking under consideration, in Committee of the Whole, the report of the Joint Committee appointed to devise the best means of disposing of the ten sections of land donated by Congress for erecting a State-House at Little Rock, be reconsidered; which was agreed to.

Mr. Rutherford then moved that the House go into Committee of the Whole on said report on Thursday next.

Mr. Scott of Pope moved that it be committed on Tuesday next.

Mr. Menefee moved that it be committed to-day.

The question being taken on Mr. *Rutherford's* motion, it was decided in the negative.

Mr. *Scott's* motion then being in order, and the question thereon being taken, it was decided in the affirmative, and the report was committed for Tuesday next.

Mr. *Wilson* asked and obtained leave to introduce a bill, to be entitled an act to authorize the removal of the administration on the estate of Joseph Janes, deceased, from the county of Lafayette to the county of Clark; which was read a first time and ordered to a second reading.

Mr. *Manly* offered the following resolution:

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of publishing at length the opinions of the Superior Court of this Territory.

Mr. *Scott* of Pope moved the *indefinite postponement* of said resolution; and the yeas and nays being required by two of the members, were as follows:

Yeas.—Messrs. Gibson, Livingston, Magness, A. Scott, and Stilwell.—5.

Nays.—Messrs. Brown, Calvert, Crutchfield, Clark, Fillingim, Hanks, Holland, Hudspeth, Manly, Pope, T. W. Scott, Smith, Talbot, Whinnery, Wilson, Wolf, and Mr. Speaker.—17.

The question being then taken on the adoption of the resolution, it was decided in the affirmative.

Mr. *Clark* gave notice, that, on Saturday next, he would ask leave to introduce a bill for the permanent location of the Seat of Justice in Miller county, and more distinctly to define the boundary lines of said county.

Mr. *Hanks* gave notice, that, on Friday next, he would ask leave to introduce a bill to extend the time of redemption to all lands stricken off to the Territory by the several Sheriffs in this Territory.

Mr. *Crutchfield* gave notice, that, on Friday next, he would ask leave to introduce a bill to regulate proceedings in chancery.

Mr. *Calvert* gave notice, that, on Monday next, he would ask leave to introduce the following bills, viz:—A bill concerning roads and highways; and also a bill to define the time of electing all civil officers of this Territory.

Mr. Whinnery moved the following resolution:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of regulating Clerks and Sheriffs fees.

Which was adopted.

Mr. Wilson moved the following resolution:

Resolved, That the Committee on Memorials be instructed to inquire into the expediency of memorializing the Congress of the United States on the propriety of granting to this Territory a sufficient portion of land, to be disposed of under the direction of the Legislature, to erect a State Prison.

Which resolution was adopted.

Mr. Pope moved the following resolution:

Resolved, That the Committee on Memorials be instructed to inquire into the expediency of memorializing Congress relative to the propriety of opening a road from Jefferson Barracks to the Arkānsas river, near Fort Smith; thence to the southern boundary of this Territory.

Which was negatived.

Mr. Livingston offered the following resolution:

Resolved, That the Committee on Memorials be instructed to inquire into the expediency of memorializing Congress on the subject of establishing a Land District in the eastern part of this Territory, and to establish a Land Office therein.

Which was negatived.

Mr. Clark moved the following resolution:

Resolved, That a Select Committee be appointed for the purpose of taking into consideration the propriety of memorializing Congress on the subject of making a further appropriation for the purpose of removing the obstructions to the navigation of Red river and some of its tributary streams.

Which resolution was adopted; and Messrs. *Clark*, *Scott* of Hempstead, *Rutherford*, *Stilwell*, and *Fillingim*, were appointed that committee.

Mr. Gibson gave notice, that, on Friday next, he would ask leave to introduce a bill to regulate the practice of physic in Arkansas Territory.

Mr. Brown gave notice, that, on Monday next, he would ask leave to introduce a bill to prohibit Indians from giving evidence against white persons, in any civil, penal and criminal cases.

A message from the Legislative Council, by *Mr. Sinclair*.

Mr. Speaker—I am instructed by the Chairman of a Committee of the Legislative Council, in Committee of the Whole, to ask of the House of Representatives, that they will send to the committee the deposition of John M. Am-
lin, now in the possession of the Clerk of your House, taken in the case of the contested election of Mr. Holland, in your House.

Whereupon, on motion of Mr. *Menefee*, the paper containing the deposition aforesaid, was transmitted by the Assistant Clerk to the Chairman of the Committee of the Legislative Council.

On motion of Mr. *Scott* of Pope, Mr. *Rutherford* was added to the Committee on Memorials.

The resolution offered by Mr. *Smith*, praying for an appropriation for a road leading from Memphis, through Jackson, Lawrence county, to Fayetteville, Washington county, was then taken up; whereupon,

Mr. *Manly* moved to amend the resolution, by striking out the words "Jackson, Lawrence county," and inserting in lieu thereof, "the most practicable and direct route."

And the question being taken on agreeing to the amendment, it was decided in the affirmative.

Mr. *Smith* then moved that the resolution be laid upon the table; which was negatived.

The question being taken on adopting the resolution, as amended, was decided in the affirmative.

Mr. *Hudspeth* gave notice, that, on Monday next, he would ask leave to introduce a bill, in amendment to an act of last session, for leasing the School Lands situate in each township in this Territory.

On motion of Mr. *Manly*, the House then resolved itself into a Committee of the Whole, Mr. *Brown* in the chair, and took into consideration the report of the Joint Committee on Joint Rules; and, after some time spent thereon, the committee rose and reported the report, with amendments, which were concurred in by the House, and Mr. *Crutchfield* appointed to inform the Legislative Council by message thereof.

And on motion, the House adjourned.

LEGISLATIVE COUNCIL.

Monday, October 10, 1831.

Mr. Bridges presented the petition of Joel Miller, and Polly Miller, his wife, praying a dissolution of the bonds of matrimony existing between them; which, being read, was referred to the Standing Committee on Divorce and Alimony.

Mr. Boswell, from the Committee on Elections, reported a bill, to be entitled an act supplementary to an act providing for the election of all civil officers of this Territory, prescribing their duties, oaths and emoluments, and the manner and time of holding elections, and for other purposes, approved the 16th November, 1829; which was read the first time, and ordered to a second reading.

Mr. Witter, from the Committee on the Judiciary, to whom was referred the petition of sundry citizens of the county of Lawrence, on the subject of the fees of Prosecuting Attornies, reported the following bill, to wit:—A bill, to be entitled an act regulating the fees of Prosecuting Attornies; which was read the first time and ordered to a second reading.

On motion of **Mr. Farrelly**, the report and resolution of the Joint Committee, to whom was referred the resolution to inquire into the best means of disposing of the ten sections of land donated by the Congress of the United States to the Territory of Arkansas, for the purpose of building a house at the Seat of Government, for the accommodation of the General Assembly, was taken up and read; and thereupon

Mr. McAmy moved to *disagree* to said report and resolution; and

On motion of **Mr. Witter**, the yeas and nays were called for, and stood as follows, to wit:

Yeas.—Messrs. Bridges, Douglass, Hackett, Hartfield, Lincecum, McAmy, McKenzie, Tidwell, and Witter.—9.

Nays.—Messrs. Blount, Boswell, Collins, Farrelly, Hughes, Ingram, Orr, Patton, Pennington, Sinclear, Wells, Wolf, and Mr. President.—13.

Which motion to *disagree* was *rejected*, and the report and resolution *agreed to*; and

On motion of *Mr. Farrelly*, referred to a Select Committee, consisting of Messrs. *Farrelly*, *Sinclear*, and *Witter*.

Mr. McAmy, from the Select Committee appointed to prepare and bring in a bill to revise and amend the Stray Laws, reported the following, to wit:—A bill, entitled an act to reduce into one the several acts concerning Strays; which was read the first time and ordered to a second reading.

Mr. Collins asked and obtained leave to introduce a bill, entitled an act supplementary to the laws now in force for the collection of taxes; which was read and ordered to a second reading.

Mr. Hartfield offered the following:

Resolved, That a Select Committee be appointed to inquire into the expediency of memorializing the Congress of the United States for the relief of those persons who have suffered by the late treaties with the Choctaw nation of Indians, and who have not been remunerated for the losses sustained thereby.

Mr. Wolf moved to amend said resolution, by inserting the words "*Choctaw and Cherokee Nations*," instead of the words "*Choctaw Nation*;" which amendment was received, and the resolution adopted. And Messrs. *Hartfield*, *Witter* and *Wolf*, were appointed to compose said committee.

A message from the House of Representatives, by *Mr. Manly*.

Mr. President—I am instructed to inform your honorable body, that bills of the following titles have been introduced into the House of Representatives, to wit:—A bill, to be entitled an act altering the mode of summoning jurors and allowing them compensation.—A bill, to be entitled an act permanently to locate the Seat of Justice of Chicot county.—A bill, to be entitled an act to define the time of electing all civil officers.—A bill, to be entitled an act to prevent certain persons from giving testimony.—A bill, to be entitled an act to amend the act passed at the session in 1829, entitled an act to suppress the evil practice of gaming.—An act for the relief of the executors of Joseph Janes, deceased.

The bill, entitled an act for the relief of the illegitimate children of David D. Williams, was read a second time and ordered to a third reading.

And then, on motion of *Mr. McArmy*, the Legislative Council adjourned.

HOUSE OF REPRESENTATIVES.

Mr. Wolf presented the petition of *Lucretia Clark*, praying a divorce; which,

On motion of *Mr. Crutchfield*, was referred to the Committee on the Judiciary.

Mr. Manly, pursuant to notice previously given, asked and obtained leave to introduce a bill altering the mode of summoning jurors, and allowing them compensation; which was read and ordered to a second reading.

Mr. Gibson asked and obtained leave to introduce a bill, to be entitled an act permanently to locate the Seat of Justice of the county of Chicot; which was read and ordered to a second reading.

Mr. Calvert asked and obtained leave, pursuant to notice previously given, to introduce a bill, to be entitled an act to define the time of electing all civil officers in this Territory; which was read and ordered to a second reading.

Mr. Brown, pursuant to notice previously given, asked and obtained leave to introduce a bill, to be entitled an act to prohibit certain persons from giving evidence in civil, penal and criminal cases, in Arkansas Territory; which was read and ordered to a second reading.

Mr. Rutherford gave notice, that, on Saturday next, he would ask leave to introduce a bill relative to the statute of frauds.

Mr. Brown, pursuant to notice previously given, asked and obtained leave to introduce a bill, to be entitled an act to repeal part of an act entitled an act to suppress the evil practice of gaming; which was read and ordered to a second reading.

Mr. Brown moved the following resolution:

Resolved, That the Committee on Memorials be instructed to inquire into the expediency of memorializing the Congress of the United States for an appropriation to clear out the snags and other obstructions to the navigation in the

Arkansas river, from the mouth of said river to the western boundary of the Territory, at Fort Smith.

Which was adopted.

The bill to authorize the removal of the administration on the estate of Joseph Janes, deceased, from the county of Lafayette to the county of Clark, was taken up, read a second time, amended, and ordered to be engrossed and read a third time to-morrow.

The petition of sundry inhabitants of the county of Conway, praying for the establishment of a new county, was taken up, read, and referred to a Select Committee; which,

On motion of Mr. *Menefee*, was ordered to consist of three members; and Messrs. *Menefee*, *Magness*, and *Tatbot*, were appointed that committee.

Mr. *Scott* of Pope moved the following resolutions:

Resolved, That the presiding officer of this House be clothed with the discretionary power of sending communications to the Legislative Council on all subjects which, in his opinion, he may deem necessary or expedient.

Which was adopted.

Mr. *Calvert* withdrew a notice previously given, and gave notice, that, on to-morrow, he would ask leave to introduce a bill, to be entitled an act concerning roads and highways.

Mr. *Clark* gave notice, that, on Friday next, he would ask leave to introduce a bill, permanently to fix the Seat of Justice in Sevier county, and to appoint Trustees for the same.

Mr. *Menefee* gave notice, that, on Wednesday next, he would ask leave to introduce a bill to amend the several laws now in force in this Territory regulating Revenue.

And the House adjourned.

LEGISLATIVE COUNCIL.

Tuesday, October 11, 1831.

Mr. *Blount*, from the Select Committee, to whom was referred the petition of sundry citizens of Conway county, praying the permanent location of their Seat of Justice, reported the following bill, to wit: A bill, enti-

bled an act for the removal and permanent location of the Seat of Justice for the county of Conway; which was read the first time and ordered to a second reading.

Mr. *Orr* asked and obtained leave to introduce a bill, entitled an act supplementary to an act of the Territory of Arkansas, approved November the 24th, 1829, concerning marriages; which was read the first time and ordered to a second reading.

Mr. *Bridges* asked and obtained leave to introduce a bill, entitled an act amendatory of the laws establishing ferries; which was read the first time and ordered to a second reading.

Mr. *Lincecum* asked and obtained leave to introduce a bill, entitled an act further to regulate the collection of Small Debts; which was read the first time and ordered to a second reading.

Mr. *Douglass* asked and obtained leave to introduce a bill, entitled an act to extend the jurisdiction of Justices of the Peace, in matters of a civil nature; which was read the first time and ordered to a second reading.

Mr. *Patton* asked and obtained leave to introduce a bill, entitled an act for the relief of Joseph Carnes; which was read the first time and ordered to a second reading.

Mr. *McKenzie*, from the Select Committee raised for that purpose, reported a bill, entitled an act for the relief of Edward Smith; which was read the first time and ordered to a second reading.

An act supplementary to an act providing for the election of all civil officers of this Territory, prescribing their duties, oaths and emoluments, and the manner and time of holding elections, and for other purposes, approved 16th November, 1829, was taken up, read the second time, and ordered to lie on the table.

The bill, entitled an act to reduce into one the several acts concerning Strays, was read the second time, committed to a Committee of the Whole, and made the order of the day for Thursday next.

The bill, entitled an act supplementary to the laws now in force for the collection of taxes, was read the

second time, - committed to a Committee of the Whole, and made the order of the day for Thursday next.

On motion of Mr. *Furrelly*, it was ordered that a Joint Committee of Enrolments be appointed on the part of the Legislative Council; and thereupon a committee was appointed, consisting of Messrs. *Douglass*, *Bridges*, and *Orr*.

On motion of Mr. *Hartfield*,

Resolved, That a Select Committee be appointed to take into consideration the practicability and probable expense of making a steam boat navigation through the great raft of Red river, and the expediency of memorializing the Congress of the United States for an appropriation for that purpose.

Ordered, That Messrs. *Hartfield*, *Witter*, and *Douglass*, compose said committee.

On motion of Mr. *Collins*,

Resolved, That the Committee on Memorials be instructed to inquire into the propriety of memorializing Congress for an appropriation to open a road from Monroe, La. to Clark Court-House, Arkansas Territory.

Mr. *McAmy*, from the Joint Committee raised to receive and examine sealed proposals for executing the Public Printing of the Territory, submitted the following REPORT:

The committee, to whom was referred the joint resolution of both Houses, to receive proposals for the Public Printing, have informed Mr. Woodruff and Mr. Bertrand, the two printers in the town of Little Rock, that they were ready to receive any proposals they might think proper to make.— Mr. Bertrand has failed to make any proposals to your committee: Mr. Woodruff has made his proposals, which proposal is herewith submitted.

Little Rock, 6 October, 1831.

GENTLEMEN—I have the honor herewith to hand you my proposals for executing the Public Printing of the Territory of Arkansas, made in compliance with a joint resolution of the present General Assembly.

Respectfully, your ob't serv't,
WM. E. WOODRUFF.

To the Joint Committee of both Houses of the General Assembly of the Territory of Arkansas, appointed to receive proposals for executing the Public Printing of said Territory.

PROPOSALS FOR EXECUTING THE PUBLIC PRINTING OF THE TERRITORY OF ARKANSAS.

<i>Description of Work to be executed.</i>	<i>Prices in Territo'l Scrip.</i>	<i>Prices in Cash.</i>
For printing the Acts passed by the General Assembly, on a page of the size of the Acts passed in 1829, and on paper of a similar quality, for any number not exceeding 500 copies, per page, - -	2 00	1 75
For each succeeding 500 copies of same, (or in the same proportion for a less number), per page, - - - - -	70	60
For publishing the same in the "Arkansas Gazette," for each printed page of the pamphlet edition, - - - - -	87½	80
For printing the Journals of the General Assembly, on a page the size of the Journals of the session in 1829, and on paper of a similar quality, for any number not exceeding 500 copies, per page, - -	1 50	1 25
For each succeeding 500 copies of same, (or in same proportion for a less number), per page, - - - - -	70	60
For printing bills for the General Assembly, on fool's cap paper, in small pica type, on a page 72 ms (11½ inches) long, by 37 ms (5½ inches) wide, at the following rates, for 50 copies, viz:		
1 page on a halfsheet, - - - -	3 30	2 93
2 do. - - - -	6 60	5 86
3 whole sheet, - - - -	9 00	8 00
4 do. - - - -	11 40	10 12
Each succeeding half or whole sheet in same proportion.		
For any number of bills exceeding 50 copies, per quire, - - - - -	1 00	90
For printing quarto handbills, on type not smaller than Columbian, the following rates, viz:		
Super royal, 1st 50 copies, - -	2 50	2 00
do. 2d 50 do. - -	1 25	1 00
do. each succeeding 100, - -	1 00	90
Medium, 1st 50 copies, - -	2 25	1 87½
do. 2d 50 do. - -	1 12½	95
do. each succeeding 100, - -	95	85
For printing fool's cap or quarto post blanks, the following rates, viz:		
First quire, 1 page on a sheet, -	2 25	2 00
Each succeeding quire, - - -	1 12½	1 00

Broad-side blanks at double the foregoing rates.

For publishing Proclamations of the Governor, or other Executive advertisements, in the "Arkansas-Gazette," a deduction of 33 1-3 per cent. will be made from my ordinary rates of advertising, as specified in my newspaper.

Works containing rule and figure work, or requiring extra trouble or labor, will be subject to an extra charge, which, in no case, will exceed double the price of common printing.

The foregoing prices embrace the expense of paper, folding, and stitching, but not of binding.

I propose to execute the Public Printing of the Territory of Arkansas, on the foregoing terms, and am ready to enter into bond and security for the faithful execution of the work, and for its completion within a reasonable time after I shall be furnished with the copy of any work required to be printed.

WM. E. WOODRUFF.

Little Rock, A. T. 6 October, 1831.

And on motion of Mr. *McAmy*,

Ordered, That said proposals be spread on the Journals of the Legislative Council.

Mr. *Farrelly*, from the Select Committee to whom was referred the report of the Joint Committee appointed to inquire into the best means of disposing of the ten sections of land donated by the Congress of the United States to the Territory of Arkansas, for the purpose of erecting a public building at the Seat of Government, for the accommodation of the General Assembly, reported the following bill, to wit: A bill, entitled an act disposing of the ten sections of land donated by Congress for the purpose of building a house at the Seat of Government; which bill was read the first time and ordered to a second reading.

Mr. *Sinclear* asked and obtained leave to introduce a bill, entitled an act concerning Attornies at Law; which was read the first time and ordered to a second reading.

The bill, entitled an act for the relief of the illegitimate children of David D. Williams, was taken up, read the third time, and PASSED, with the title aforesaid; and

Ordered, That Mr. *Sinclear* carry said bill to the House of Representatives and request their concurrence.

The bill, entitled an act regulating the fees of Prose-

cuting Attornies, was taken up, read the second time, and ordered to be committed to a Committee of the Whole, and made the order of the day for to-morrow.

And then, on motion of Mr. Farrelly, the Legislative Council adjourned.

HOUSE OF REPRESENTATIVES.

Mr. Pope, from the Committee on the Judiciary, reported a bill, entitled an act to dissolve the bonds of matrimony between James and Edah Tucker; which was read and ordered to a second reading.

Mr. Manly, from the Joint Committee appointed to receive and examine sealed proposals for executing the Public Printing of the Territory, submitted a report.—
[For a copy of which, see this day's proceedings of the Legislative Council.]

Which proposals, on motion of Mr. Manly, were ordered to be spread upon the Journals, and sent to the Legislative Council.

Mr. Rutherford gave notice, that, on Friday next, he would ask leave to introduce a bill, authorizing Emzy Wilson to erect and keep a Toll Bridge across the bayou Palarm, in Pulaski county.

Mr. Wolf gave notice, that, on Thursday next, he would ask leave to introduce a bill, repealing the first section of an act amendatory of an act entitled an act supplementary to an act defining the powers of Justices of the Peace in matters of a civil nature, approved October 23d, 1821.

Mr. Smith asked and obtained leave to introduce, according to notice previously given, a bill, to be entitled an act to tax clock pedlars vending such articles within the limits of this Territory; which was read and ordered to a second reading.

Mr. Clark, pursuant to notice previously given, asked and obtained leave to introduce a bill, to be entitled an act to regulate Attornies fees; which was read and ordered to a second reading.

Mr. Calvert, pursuant to notice previously given, asked and obtained leave to introduce a bill, to be entitled

an act supplementary to the several laws of this Territory, concerning roads and highways; which was read and ordered to a second reading.

Mr. *Hudspeth*, pursuant to notice previously given, asked and obtained leave to introduce a bill, to be entitled an act supplementary to an act relative to School Lands; which was read and ordered to a second reading.

Mr. *Livingston* withdrew his notice, previously given, of his intention to introduce a bill on this day.

The bill, altering the mode of summoning Jurors, and allowing them compensation, was then taken up, read a second time, and

On motion of Mr. *Crutchfield*, committed to a Committee of the Whole, and made the order of the day for to-morrow.

Message from the Legislative Council, by Mr. *Patton*.

Mr. *Speaker*—I am instructed to inform your honorable body, that the following bills have been introduced into the Legislative Council, to wit: A bill, entitled an act regulating writs of certiorari—A bill, entitled an act for the relief of the Sheriff of Arkansas county—A bill, entitled an act for the relief of the illegitimate children of David D. Williams—A bill, entitled an act supplementary to an act providing for the election of all civil officers, prescribing their duties, oaths and emoluments, and the manner and time of holding elections, and for other purposes, approved Nov. 1829—A bill, to be entitled an act regulating the fees of Prosecuting Attornies—A bill, to be entitled an act to reduce into one the several laws concerning Strays. Also, a bill, entitled an act supplementary to the laws now in force for the collection of taxes.

The bill, permanently to locate the Seat of Justice of Chicot county, was then taken up, and

On motion of Mr. *Gibson*, referred to a Select Committee of Messrs. *Gibson*, *Menefee*, and *Clark*.

A message from the Legislative Council, by Mr. *McAmy*.

Mr. *Speaker*—I am instructed to inform your honorable body, that the Legislative Council have concurred in the adoption of the following amendments to the Joint Rules, to wit: The amendments to the 6th rule, and to the new rules in number 13, adopted by the House of Representatives.

The bill, entitled an act to define the time of electing

all civil officers in this Territory, was taken up, read a second time, committed to a Committee of the Whole, and made the order of the day for to-morrow.

The bill, entitled an act to prevent certain persons from giving testimony, was taken up, read a second time, and

On motion of *Mr. Brown*, referred to a Select Committee of Messrs. *Brown, Wilson, and Fillingim*.

The bill, entitled an act to repeal part of an act entitled an act to prevent the evil practice of gaming, approved Nov. 10, 1829, was then taken up, read a second time, and

On motion of *Mr. Manly*, it was indefinitely postponed.

The engrossed bill, entitled an act to authorize the removal of the administration on the estate of Joseph Janes, deceased, from the county of Lafayette to the county of Clark, was read a third time, PASSED, and sent to the Council for concurrence.

Mr. Manly presented to the Speaker the proposals of *David G. Eller*, proposing to build a State-House, of certain dimensions therein specified, for the sum of ten thousand dollars; which was referred to the committee appointed to devise the best means of disposing of the ten sections of land donated by Congress for building a State-House at Little Rock.

On motion of *Mr. Wilson*, the House resolved itself into a Committee of the Whole, *Mr. Crutchfield* in the chair, to take into consideration the report of the Select Committee appointed to devise the best means of disposing of the ten sections of land donated to the Territory of Arkansas by Congress for the purpose of erecting a State-House at Little Rock; and, after some time spent thereon, the committee rose, and reported the report of the Select Committee, without amendment.

Mr. Manly moved that the House disagree to the report of the Committee of the Whole; and the yeas and nays being required, were as follows:

Yeas.—Messrs. *Brown, Crutchfield, Fillingim, Hudspeth, Manly, Rutherford, Scott of Hempstead, Talbot, and Wilson*.—9.

Yays.—Messrs. Calvert, Clark, Gibson, Hanks, Holland, Livingston, Magness, Menefee, Pope, Scott of Pope, Smith, Stilwell, Whinnery, Wolf, and Mr. Speaker.—15.

Mr. Pope, pursuant to notice previously given, asked and obtained leave to introduce a bill, to be entitled an act to punish the crime of horse stealing; which was read and ordered to a second reading.

A message from the Legislative Council, by Mr. Farrelly.

Mr. Speaker—I am instructed to inform your honorable body, that bills of the following titles have been introduced into the Legislative Council, to wit: A bill, entitled an act for the removal and permanent location of the Seat of Justice for the county of Conway—A bill, entitled an act disposing of the ten sections of land donated by Congress for the purpose of building a house at the Seat of Government—A bill, entitled an act supplementary to an act of the Legislature of the Territory of Arkansas, approved Nov. 24th, 1829, concerning marriages—A bill, entitled an act amendatory to the laws establishing ferries—A bill, entitled an act further to regulate the collection of Small Debts—A bill, entitled an act to extend the jurisdiction of Justices of the Peace in matters of a civil nature—A bill, entitled an act for the relief of Joseph Carnes—A bill, entitled an act for the relief of Edward Smith—A bill, entitled an act concerning Attornies at Law. And that Messrs. Douglass, Bridges, and Orr, are appointed on the Joint Standing Committee on Enrolled Bills.

And, on motion, the House adjourned.

LEGISLATIVE COUNCIL.

Wednesday, October 12, 1831.

A message from the House of Representatives, by Mr. Wilson.

Mr. President—I am instructed to inform your honorable body, that the House of Representatives have passed the following bill, to wit: An act to authorize the removal of the administration on the estate of Joseph Janes, deceased, from the county of Lafayette to the county of Clark; and ask your concurrence therein.

Mr. Wolf, from the Standing Committee on Divorce and Alimony, made the following

REPORT:

The Committee on Divorce and Alimony, to whom was referred the petition of John Skaggs, REPORT: That, according to order, they have had the same under consideration, and on a full examination of the petition and certifi-

cate, are of opinion, that the case of the petitioner, although one worthy of relief, is not, in the opinion of your committee, one that should call forth the interference of the Legislature. Viewing, as we must, the solemnity of the marriage contract, and the necessity of a strict observance of the obligation by the parties towards each other, as essential to the morals and well being of society, we are constrained to say, that there are but few cases wherein the Legislature ought to interpose, and in no instance where the laws of the country provide a remedy. Experience, in our own as well as other countries, has shewn that whenever the Legislatures take matters of this kind into consideration and grant divorces by special enactment, it has uniformly had a tendency to withdraw from the proper judicial tribunals all cases of that nature—the party applying finding it more to his interest to seek that by an *ex parte* hearing, which equity and justice might deny on a proper investigation and appearance of the parties. Your committee therefore report against the prayer of the petitioner; and ask leave to be discharged from the further consideration of the subject.

A message from the House of Representatives, by Mr. Crutchfield.

Mr. President—I am instructed to inform your honorable body, that the following bills have been introduced into the House of Representatives, of the following titles, to wit: A bill, to be entitled an act to dissolve the bonds of matrimony between James and Edah Tucker—A bill, to be entitled an act to tax clock pedlars vending such articles in this Territory—A bill, to be entitled an act regulating Attornies fees—A bill, to be entitled an act supplementary to the several laws of this Territory concerning roads and highways—A bill, to be entitled an act supplementary to an act relative to school lands; and a bill, to be entitled an act to punish the crime of horse stealing.

Mr. Collins asked and obtained leave to introduce a bill, entitled an act in amendment to an act concerning Gin holders in this Territory; which was read the first time and ordered to a second reading to-morrow.

Mr. Tidwell asked and obtained leave to introduce a bill, entitled an act to locate the Seat of Justice in Jackson county, and for other purposes; which was read the first time and ordered to a second reading to-morrow.

Mr. Bridges asked and obtained leave to introduce a bill, entitled an act altering the line between the coun-

ties of St. Francis and Crittenden; which was read the first time and ordered to a second reading.

The bill from the House of Representatives, entitled an act to authorize the removal of the administration on the estate of Joseph Janes, deceased, from the county of Lafayette to the county of Clark, was read a first time and ordered to a second reading.

The bill, entitled an act for the removal and permanent location of the Seat of Justice for the county of Conway, was read a second time, committed to a Committee of the Whole, and made the order of the day for Friday next.

The bill, entitled an act disposing of the ten sections of land donated by Congress for the purpose of building a house at the Seat of Government, was read a second time, committed to a Committee of the Whole, and made the order of the day for to-morrow.

The bill, entitled an act supplementary to an act of the Legislature of the Territory of Arkansas, approved Nov. 24th, 1829, concerning marriages, was read a second time, committed to a Committee of the Whole, and made the order of the day for Friday next.

A bill, entitled an act amendatory to the laws establishing ferries, was read a second time, and on motion, postponed indefinitely.

A message from the House of Representatives, by Mr. Scott of Pope.

Mr. President—I am instructed to inform your honorable body, that the House of Representatives have adopted a resolution inviting the Legislative Council into the Representatives Chamber, for the purpose of electing a Public Printer to both Houses of the General Assembly, on this day, and request your attendance for the purpose.

On motion of Mr. Sinclear,

Ordered, That the Legislative Council concur in said resolution; and that Mr. Sinclear inform the House of Representatives thereof.

Then, on motion of Mr. Farrelly, the Legislative Council repaired to the Representatives Hall, for the purpose of electing a Public Printer to both Houses of the General Assembly; when,

On motion of Mr. *McAmy*, seconded by Mr. *Farrelly*, it was ordered that the votes be taken *viva voce*; which resulted as follows, to wit: For Charles P. Bertrand 27 votes, and for William E. Woodruff 19 votes.

Those of the Legislative Council who voted for C. P. Bertrand, were

Messrs. Blount, Boswell, Collins, Farrelly, Hughes, Ingram, McKenzie, Orr, Patton, Pennington, Sinclear, Wells, Wolf, and Mr. President.—14.

And those who voted for Woodruff, were

Messrs. Bridges, Douglass, Hackett, Hartfield, Lincecum, *McAmy*, Tidwell, and Witter.—8.

Those of the House of Representatives who voted for Bertrand, were

Messrs. Calvert, Clark, Gibson, Hanks, Holland, Livingston, Magness, Menefee, Pope, Scott of Pope, Stilwell, Wolf, and Mr. Speaker.—13.

And those who voted for Woodruff, were

Messrs. Brown, Crutchfield, Fillingim, Hudspeth, Manly, Rutherford, Scott of Hempstead, Smith, Talbot, Whinnery, and Wilson.—11.

Whereupon, CHARLES P. BERTRAND was declared duly elected Public Printer for the General Assembly of the Territory of Arkansas.

And then the Legislative Council retired.

The bill, entitled an act further to regulate the collection of Small Debts, was read a second time, and referred to a Select Committee, consisting of Messrs. *McAmy*, Lincecum, and Boswell.

The bills, entitled as follows, to wit:—An act to extend the jurisdiction of Justices of the Peace in matters of a civil nature, and an act for the relief of Joseph Carnes, were severally read a second time, committed to a Committee of the Whole, and made the order of the day for Saturday next.

The bill, entitled an act for the relief of Edward Smith, was read a second time, committed to a Committee of the Whole, and made the order of the day for Friday next.

The bill, entitled an act concerning Attornies at Law, was read a second time, committed to a Committee of

the Whole, and made the order of the day for to-morrow.

On motion of Mr. *Farrelly*, the Legislative Council resolved itself into a Committee of the Whole, Mr. *Witter* in the chair, on the bill entitled an act for the relief of the Sheriff of Arkansas county; and, after some time spent thereon, the committee rose and reported the bill to the House, with an amendment, (striking out the first section, with the enacting clause); which amendment was adopted by the Council, and the bill *rejected*.

Mr. *Pennington* asked and obtained leave to introduce a bill, entitled an act to repeal an act entitled an act for the opening of a road leading from Washington, in Hempstead county, to Cote Fabre, in the county of Hempstead, passed the 21st Nov. 1829; which was read the first time and ordered to a second reading to-morrow.

The Legislative Council resolved itself into a Committee of the Whole, Mr. *Pennington* in the chair, on the bill, entitled an act regulating the fees of Prosecuting Attornies; and, after some time spent thereon, the committee rose and reported the same without amendment; which report was agreed to by the Legislative Council; and

On motion of Mr. *Witter*, the bill was read a third time and PASSED, with the title aforesaid, striking out the words "A bill, entitled," and

Ordered, That Mr. *Witter* carry the same to the House of Representatives and ask their concurrence.

Mr. *Bridges* offered the following:

Resolved, That a Joint Committee be appointed on the part of the Council, to take the necessary bond from the Public Printer, for the faithful performance of his duties.

Which said resolution was ordered to lie on the table till to-morrow.

And then, on motion of Mr. *Farrelly*, the Legislative Council adjourned.

HOUSE OF REPRESENTATIVES.

Mr. *Crutchfield* was added to the Committee on Enrolled Bills.

Mr. *Talbot*, from the Select Committee appointed to

take under consideration the petition of sundry citizens of IZARD county, made the following REPORT:

That they have, according to order, had the same under consideration, and deem it unnecessary to make any alterations in the county boundaries; and that the prayer of the petitioners should not be granted; and ask to be discharged from the further consideration of the subject.

Which report was concurred in by the House, and the committee discharged.

Mr. Gibson, from the Select Committee to whom was referred the bill permanently to locate the Seat of Justice of the county of Chicot, made the following REPORT:

That said bill be amended in the 28th line of the 3d section, by inserting after "Chicot," the following words: "And it shall be the duty of the Clerk of the Circuit Court of said county, so soon as said commissioners shall have reported to said Court, to make all process, by him to be issued, returnable to the Court-House located under the provisions of this act."

Which report was concurred in by the House, and the amendment adopted.

Mr. Menefee, pursuant to notice previously given, asked and obtained leave to introduce a bill, to be entitled an act to amend the several laws now in force in this Territory regulating Revenue; which was read and ordered to a second reading.

Mr. Scott of Pope withdrew a notice, previously given, and then gave notice, that, on Monday next, he would ask leave to introduce a bill, defining the qualifications of electors in this Territory.

Mr. Brown, from the Select Committee appointed to take under consideration a bill, to be entitled an act to prevent certain persons from giving testimony, reported the following bill, as an amendment:

A bill, to be entitled an act to restrict certain persons from giving testimony in this Territory.

Section 1: *Be it enacted by the General Assembly of the Territory of Arkansas,* That no person who may have one-fourth of Indian blood in his or her veins, and who is not a resident of this Territory, shall be permitted to give evidence against any white person, in any court of record, or before any Justice of the Peace, in any civil, penal or criminal case within this Territory.

Sec. 2. *And be it further enacted,* That this act shall take effect, and be in force, from and after its passage.

Which was ordered to lie upon the table.

Mr. Crutchfield, pursuant to notice previously given, asked and obtained leave to introduce a bill, to be entitled an act amendatory of and supplementary to the act passed by the General Assembly of Arkansas Territory, October 22d, 1828, entitled an act further to regulate the payment of costs in criminal and penal cases; which was read and ordered to a second reading.

Mr. Scott of Pope moved the following resolution:

Resolved, That this House request the Legislative Council to attend in the Representatives Chamber, this day, for the purpose of electing a Public Printer, by joint ballot.

Which resolution was adopted; and **Mr. Scott** of Pope ordered to inform the Legislative Council thereof.

A message from the Legislative Council, by **Mr. Sinclair**.

Mr. Speaker—I am instructed to inform your honorable body, that the Legislative Council have passed a bill, to be entitled an act for the relief of the illegitimate children of David D. Williams; in which they request the concurrence of the House of Representatives.

Which was read and ordered to a second reading.

Mr. Clark asked and obtained leave to introduce a bill, to be entitled an act permanently to fix the Seat of Justice of Sevier county, and appointing trustees for the same; which was read a first and second time, and ordered to be engrossed and read a third time to-morrow.

Mr. Crutchfield, pursuant to notice previously given, asked and obtained leave to introduce a bill, to be entitled an act to extend the power and enlarge the duties of Coroners; which was read and ordered to a second reading.

Mr. Brown gave notice, that, on to-morrow, he would ask leave to introduce a memorial to the Congress of the United States, to make an appropriation to clear out the snags and other obstructions to the navigation in Arkansas river.

Mr. Holland moved the following resolution:

Resolved, That a Select Committee be appointed to in-

quire into the expediency of adding to the county of Jefferson that part of Pulaski county that lies between Jefferson and Union counties, and to define more correctly the lines of Jefferson county, with leave to report by bill or otherwise.

And Messrs. *Holland, Rutherford, and Magness*, were appointed that committee.

Mr. *Wolf* gave notice, that, on Friday next, he would ask leave to introduce a bill to prevent Justices of the Peace from receiving any monies on judgments obtained before them in civil cases.

Mr. *Hanks* gave notice, that, on Friday next, he would ask leave to introduce a bill to dissolve the bonds of matrimony between Hester and Gideon Dunn.

Message from the Legislative Council, by Mr. *Sinclear*.

Mr. *Speaker*—I am instructed to inform you, that the Council have concurred in the resolution, that the two Houses now proceed to a joint ballot for Public Printer, and will forthwith repair to your Hall, for that purpose.

Whereupon, the Legislative Council repaired to the Hall of the House of Representatives, for the purpose of electing a Public Printer; and being there assembled, Messrs. *Menefee* and *Manly* were appointed tellers on the part of the House; upon which, Mr. *McAmy*, one of the members of the Legislative Council, moved that the vote be taken *viva voce*, which was unanimously agreed to.

Whereupon, Mr. *Farrelly*, of the Legislative Council, presented a letter from Charles P. Bertrand, which was read, and

On motion of Mr. *Crutchfield*, ordered to be spread upon the journals of this House, in the words and figures following, to wit:

Little Rock, Oct. 12, 1831.

T. FARRELLY.

Sir—Having seen the proposals of Wm. E. Woodruff, to execute the Public Printing of this Territory, you are authorized to say, in announcing my name as a candidate, that I will execute the Public Printing for the same that Mr. Woodruff has proffered to do it for.

Respectfully, your ob't serv't.

C. P. BERTRAND.

T. FARRELLY,

Member of the Legislative Council.

Whereupon, Mr. *Farrelly*, of the Council, nomina-

ted Charles P. Bertrand, and Mr. *Wilson*, of this House; nominated Wm. E. Woodruff, as candidates for Public Printer for this Territory; and the Clerks of the respective Houses having called over the names of the members, there appeared

For Charles P. Bertrand, 27 votes.

“ Wm. E. Woodruff, 19 “

[~~Q~~ For the names of the Members who voted for the respective candidates, see this day's proceedings of the Legislative Council.]

And thereupon, CHARLES P. BERTRAND was declared duly elected Public Printer.

A bill to dissolve the bonds of matrimony between James and Edah Tucker, was read a second time, and

On motion of Mr. *Manly*, was indefinitely postponed.

A bill, entitled an act to tax clock pedlars vending such articles within the limits of this Territory, was read a second time, and

On motion of Mr. *Smith*, committed to a Committee of the Whole, and made the order of the day for to-morrow.

A bill, to be entitled an act to regulate Attornies fees, was taken up, read a second time, and

On motion of Mr. *Crutchfield*, committed to a Committee of the Whole, and made the order of the day for to-morrow.

A bill, to be entitled an act supplementary to the several laws of this Territory, concerning roads and highways, was taken up, read a second time, and

On motion of Mr. *Calvert*, made the order of the day for Friday next.

The bill, to be entitled an act supplementary to an act relative to School Lands, was taken up, read a second time, and

On motion of Mr. *Crutchfield*, ordered to be engrossed and read a third time to-morrow.

The bill, to be entitled an act to punish the crime of horse stealing, was taken up and read a second time;

Whereupon, Mr. *Pope* moved that it be committed to a Committee of the Whole, and made the order of the day for Saturday next.

Mr. Hudspeth moved that the bill be indefinitely postponed; which motion was negatived, and the question then being taken on *Mr. Pope's* motion, it was carried in the affirmative.

A message from the Legislative Council, by *Mr. Orr*.

Mr. Speaker—I am instructed to inform your honorable body, that bills of the following titles have been introduced into the Legislative Council: A bill, entitled an act in amendment to an act concerning Gin holders in this Territory.—A bill, entitled an act to locate the Seat of Justice in Jackson county, and for other purposes.—A bill, entitled an act altering the lines between the counties of St. Francis and Crittenden.

The bill, to be entitled an act altering the mode of summoning Jurors and allowing them compensation, was, on motion of *Mr. Manly*, taken up, and the House then resolved itself into a Committee of the Whole on said bill, *Mr. Hudspeth* in the chair; and, after some time spent thereon, the committee rose, reported progress, and asked leave to sit again to-morrow.

Message from the Legislative Council, by *Mr. Witter*.

Mr. Speaker—I herewith transmit to your honorable body, a bill, entitled an act regulating the fees of Prosecuting Attornies, which has passed its third reading in the Legislative Council; and ask your concurrence therein.

And the said bill was read a first time and ordered to a second reading.

And the House adjourned.

LEGISLATIVE COUNCIL.

Thursday, October 13, 1831.

Mr. McAmy presented the petition of Alexander W. Sweeney, praying to be divorced from his wife, Susanah; which petition, with the accompanying documents, was referred to the Standing Committee on Divorce and Alimony.

Mr. Collins presented the petition of sundry citizens of Clark and Hempstead counties, praying the establishment of a new county, composed of a portion of said counties; which was read, and

On motion of *Mr. Witter*, referred to a Select Committee, consisting of Messrs. *Witter*, *Collins*, and *Wells*.

A message from the House of Representatives, by *Mr. Brown*.

Mr. President—I am instructed to inform your honorable body, that the House of Representatives have passed the bill from the Legislative Council, entitled an act for the relief of the illegitimate children of David D. Williams, with an amendment, striking out the words "A bill, entitled"; and the said bill is herewith transmitted.

A message from the House of Representatives, by *Mr. Pope*.

Mr. President—I am instructed to inform your honorable body, that the House of Representatives have passed a resolution, which is herewith transmitted for your concurrence:

Which was as follows:

Resolved by the Legislative Council and House of Representatives, That the Clerk of the House of Representatives and Secretary of the Legislative Council, be instructed to make out a fair and complete copy of the Joint Rules of both Houses, as, also, a fair copy of the Rules of the respective Houses, and hand the same to the Public Printer, with instructions that he print sixty copies, in pamphlet form, for the use of the Members of both Houses.

And, on motion,

Ordered, That said resolution be *disagreed to*, and that *Mr. Boswell* inform the House of Representatives thereof.

Mr. Wolf asked and obtained leave to introduce a bill, entitled an act supplementary to the several laws concerning roads; which was read the first time and ordered to a second reading.

Mr. Blount asked and obtained leave to introduce a bill, entitled an act authorizing Frederick Fletcher to erect and keep a Toll Bridge across Point Remove creek; which was read the first time and ordered to a second reading.

The bill, entitled an act in amendment to an act concerning Gin holders in this Territory, was read a second time, and

On motion of *Mr. Collins*, ordered to be committed to a Committee of the Whole, and made the order of the day for Monday next.

The bill, entitled an act to locate the Seat of Justice in Jackson county, and for other purposes, was read a second time; and

On motion of *Mr. Tidwell*, ordered to be engrossed and read a third time on Saturday next.

The bill, entitled an act altering the line between the counties of St. Francis and Crittenden, was read a second time and referred to a Select Committee, consisting of Messrs. *Bridges, Linccum, and Hackett*.

The bill, entitled an act to repeal an act entitled an act for the opening of a road leading from Washington, in Hempstead county, to Cote Fabre, in the county of Hempstead, passed the 21st November, 1829, was read a second time, committed to a Committee of the Whole, and made the order of the day for Tuesday next.

A bill, from the House of Representatives, entitled an act to authorize the removal of the administration on the estate of Joseph Janes, deceased, from the county of Lafayette to the county of Clark, was read a second time, committed to a Committee of the Whole, and made the order of the day for Monday next.

On motion of *Mr. Wolf*, the Legislative Council then resolved itself into a Committee of the Whole, on the bill, entitled an act regulating writs of certiorari, *Mr. McAmy* in the chair; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. McAmy reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and instructed him to report the same to the Council, without amendment.

Which report was received, and the committee discharged from the further consideration thereof.

Then, on motion of *Mr. Witter*, said bill was referred to a Select Committee, consisting of Messrs. *Witter, Farrelly, and Sinclear*.

A message from the House of Representatives, by *Mr. Clark*.

Mr. President—I am instructed to inform your honorable body, that bills of the following titles have been introduced into the House of Representatives, to wit: A bill, to be entitled an act for the relief of Chilo A. Moltier.—A bill, to be entitled an act to extend the power and enlarge the duties of Coroners. An act to amend the several laws now in

force in this Territory regulating revenue.—A bill, to be entitled an act amendatory of and supplementary to the act passed by the General Assembly of Arkansas Territory, October 2d, 1828, entitled an act further to regulate the payment of cost in criminal and penal cases.—A bill, to be entitled an act to repeal the first section of an act entitled an act supplementary to an act defining the powers of Justices of the Peace in matters of a civil nature, approved October 23d, 1821. And that the House of Representatives have passed an act to fix permanently the Seat of Justice of the county of Sevier, and appointing trustees for the same.

On motion of Mr. *McAmy*, the Legislative Council then resolved itself into a Committee of the Whole, Mr. *Wolf* in the chair, on the bill, entitled an act to reduce into one the several acts concerning Strays; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. *Wolf* reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the same to the Legislative Council, with amendments.

Which said amendments were adopted; and

On motion of Mr. *Sinclear*, the said bill was committed to a Select Committee, consisting of Messrs. *Sinclear*, *McAmy*, and *Witter*.

On motion of Mr. *Collins*, the Legislative Council resolved itself into a Committee of the Whole, Mr. *Douglass* in the chair, on the bill, entitled an act supplementary to the laws now in force for the collection of taxes; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. *Douglass* reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the same to the Legislative Council, with an amendment.

Which amendment was adopted; and

On motion of Mr. *Collins*, said bill was ordered to be engrossed and read a third time to-morrow.

On motion of Mr. *Farrelly*, the Council resolved it.

self into a Committee of the Whole, Mr. *Douglass* in the chair, on the bill, entitled an act disposing of the ten sections of land donated by Congress for the purpose of building a house at the Seat of Government; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. *Douglass* reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the same to the Legislative Council, with amendments.

Which amendments were adopted.

Mr. *McAmy* then proposed to amend said bill, by substituting the following after the title of said bill, viz:

Whereas, the Congress of the United States did, (by an act approved the 2d day of March, 1831, grant to the Territory of Arkansas, ten sections of the unappropriated public lands in said Territory, for the purpose of raising a fund for the erection of a Public Building at Little Rock, the Seat of Government of said Territory, and authorized the Legislature of said Territory to select, or cause the same to be selected, in portions not less than one quarter section; and whereas, it is considered that the donation will be greatly enhanced in value by making the purchaser of said lands interested in the selection of the same: Therefore—

Section 1. *Be it enacted by the General Assembly of the Territory of Arkansas*, That the right of the Territory of Arkansas to the ten sections of land granted to said Territory, by the act of Congress approved on the 2d day of March, 1831, be, and the same is hereby, divided into quarter sections of 160 acres each; that the Governor of said Territory issue therefor forty land warrants; and that he authorize them to be sold at public auction, at such times and places, and in such manner, as he shall direct.

Sec. 2. *Be it further enacted*, That the purchaser of said land warrant of 160 acres be, and he is hereby, authorized to select the same from any of the unappropriated lands of the United States within the Territory of Arkansas, and to locate said warrant upon the quarter section selected, which quarter section, so selected, shall be perfected into a complete title, agreeably to the provisions of the act of Congress. *Provided always*, that all improvements made by citizens of Arkansas, be exempted from selection and location, unless made by the improver himself, and unless such improver refuse to purchase a land-warrant at ——— dollars

per acre, to cover his improvement; and every improver, whose improvement is liable to selection, so refusing, shall forfeit the preference hereby granted, and the quarter section, so improved, shall be liable to selection and location in the same manner as if no improvement was made thereon.

Sec. 3. *Be it further enacted*, That all locations made under the provisions of this act, shall be presented to the Governor of the Territory of Arkansas, who is hereby authorized to execute a conveyance to the locator, or his heirs or assigns, for the same, which conveyance, upon presentation to the Commissioner of the General Land Office, will entitle the owner to a patent for the land so conveyed, from the President of the United States.

Sec. 4. *Be it further enacted*, That a treasurer be appointed by the Legislature of the Territory of Arkansas, at the present session, who shall enter into bond, with security, in the sum of ——— thousand dollars, for the faithful performance of the duties of his office; whose duty it shall be to receive all the monies arising from the sale of such land-warrants, who shall keep the same subject to the control of the Legislature of the Territory of Arkansas.

Sec. 5. *Be it further enacted*, That the Governor of the Territory of Arkansas authorize the agents appointed by him to make sale of said land-warrants, to pay over all monies arising from the sale of said warrants, to the treasurer aforesaid, who shall execute receipts for the same, and who shall faithfully account to the Legislature aforesaid, for all monies which may or shall come into his hands as treasurer aforesaid.

And upon the question for the adoption of said amendment, on motion of Mr. *McAmy*, seconded by Mr. *Farrelly*, the ayes and noes were called for and stood as follows, to wit:

Yeas.—Messrs. Bridges, Douglass, Hackett, Hartfield, Linccum, *McAmy*, Tidwell, and Witter.—8.

Nays.—Messrs. Blount, Boswell, Collins, *Farrelly*, Hughes, Ingram, *McKenzie*, Orr, Patton, Pennington, Sinclear, Wells, Wolf, and Mr. President.—14.

And the amendment was rejected.

Mr. *McAmy* then moved to lay said bill on the table until the first day of June next, which motion was rejected.

And then, on motion of Mr. *Farrelly*,

Ordered, That said bill be engrossed and read a third time to-morrow.

And then, on motion of Mr. *Bridges*, the Legislative Council adjourned.

HOUSE OF REPRESENTATIVES.

Mr. Brown, from the Committee on Enrolled Bills, reported, that the committee had examined bills numbered eleven and fifteen, and found them to be correctly engrossed.

Mr. Livingston, from the Select Committee appointed to take into consideration the petition of Chilo A. Moltier, made the following REPORT:

We have had the subject under consideration, and after examining the petition, with the accompanying documents, are constrained to believe that the said Chilo is entitled to the benefit of an act in his favor, and therefore beg leave to report the following bill, to wit: A bill, to be entitled an act for the relief of Chilo A. Moltier.

Which was read a first time and ordered to a second reading.

Message from the Legislative Council, by *Mr. Bridges*.

Mr. Speaker—I am instructed to inform your honorable body, that a bill, with the following title, has been introduced into the Legislative Council, to wit: An act to repeal an act entitled an act for the opening of a road leading from Washington, in Hempstead county, to Cote Fabre, in the county of Hempstead, passed the 21st of November, 1829.

Mr. Brown gave notice, that, on Saturday next, he would ask leave to introduce a memorial to the President of the United States, asking for United States troops, to be stationed at or near Fort Smith.

Mr. Menefee moved the following resolution:

Resolved, That the Clerk of the House of Representatives and Secretary of the Legislative Council, respectively, be instructed to have sixty copies of the Rules and Joint Rules printed for the use of both Houses of this Assembly.

Which was adopted, and sent to the Legislative Council for concurrence.

Mr. Brown, pursuant to notice previously given, asked and obtained leave to introduce a memorial to the Congress of the United States, praying the removal of the obstructions to the navigation of the Arkansas river; which was read a first time and ordered to a second reading.

Message from the Legislative Council, by *Mr. Boswell*.

Mr. Speaker—I am instructed to inform you, that the Legislative Council have disagreed to the resolution of the

House of Representatives, ordering the copying and printing of the Rules of the two Houses, severally, and the Joint Rules of the two Houses.

Mr. Menefee then moved the following resolution:

Resolved, That the Clerk of the House of Representatives be instructed to furnish the Public Printer with a fair copy of the Rules of this House, and the Joint Rules of both Houses, and request him to print forty copies of said Rules.

Which was adopted.

Mr. Wolf, pursuant to notice previously given, asked and obtained leave to introduce a bill, to be entitled an act to repeal the first section of an act entitled an act supplementary to an act defining the powers of Justices of the Peace in matters of a civil nature, approved October 23, 1821; which was read and ordered to a second reading.

Mr. Wolf gave notice, that, on Monday next, he would ask leave to introduce a bill to enable judgment creditors to collect their debts with more facility.

Mr. Livingston gave notice, that, on to-morrow, he would ask leave to introduce a bill, entitled an act permanently to locate the Seat of Justice of Crittenden county.

Mr. Pope gave notice, that, on Monday next, he would ask leave to introduce a bill, to be entitled an act to exempt old men from paying a poll tax.

Mr. Brown withdrew his notice, previously given, of his intention to introduce a bill on this day relative to appeals and certioraries.

The bill, to be entitled an act amendatory of and supplementary to the act passed by the General Assembly of Arkansas Territory, October 22, 1828, entitled an act further to regulate the payment of costs in criminal and penal cases, was read the second time, and

On motion of *Mr. Crutchfield*, ordered to be engrossed and read a third time to-morrow.

The bill, to be entitled an act to amend the several laws now in force in this Territory regulating Revenue, was taken up, read a third time, and

On motion of *Mr. Manly*, laid upon the table.

The bill, to be entitled an act to extend the power and

enlarge the duties of Coroners, was taken up, read a second time, and ordered to be engrossed and read a third time to-morrow.

The engrossed bill, from the Legislative Council, entitled an act to legitimize the children of David D. Williams, was taken up, read a second time, and

On motion of Mr. Brown, the rules of the House were dispensed with, and the bill read a third time on its final passage, and PASSED.

Mr. Clark moved the following resolution:

Resolved, That the hour of meeting for this House hereafter be nine o'clock.

Which was adopted.

The bill, from the Legislative Council, entitled an act regulating the fees of Prosecuting Attornies, was taken up, read a second time, and

On motion of Mr. Scott of Pope, committed to a Committee of the Whole, and made the order of the day for to-morrow.

The bill, to be entitled an act supplementary to an act relative to School Lands, was taken up, and

On motion of Mr. Wilson, committed to a Committee of the Whole, and made the order of the day for to-morrow.

The bill, to be entitled an act permanently to fix the Seat of Justice in the county of Sevier, and appointing trustees for the same, was read a third time, PASSED, and Mr. Clark was appointed to inform the Legislative Council thereof.

On motion of Mr. Brown, the House resolved itself into a Committee of the Whole, Mr. Brown in the chair, on the bill to define the time of electing all civil officers; and, after some time spent thereon, the committee rose and reported the bill, with some amendments, which were concurred in by the House; and

On motion of Mr. Calvert, the bill was ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Brown, the House then resolved itself into a Committee of the Whole, Mr. Crutchfield in the chair, on the bill, to be entitled an act to tax clock pedlars vending such articles within the limits of this Ter-

itory; and, after some time spent thereon, rose and reported the bill, with sundry amendments, which were concurred in by the House; and

On motion of Mr. *Smith*, the bill was ordered to be engrossed and read a third time to-morrow.

And, on motion, the House adjourned.

LEGISLATIVE COUNCIL.

Friday, October 14, 1831.

A message from the House of Representatives, by Mr. *Scott* of Hempstead.

Mr. President—I am instructed to inform your honorable body, that bills of the following titles have been introduced into the House of Representatives, to wit: A bill, to be entitled an act giving to Jurors that discretionary power in criminal cases heretofore given to Judges of the Circuit Court.—A bill, to be entitled an act supplementary to an act to elect commissioners to locate the Seat of Justice of the county of Clark, approved November the 21st, 1829.—A bill, to be entitled an act permanently to locate the Seat of Justice of Crittenden county.—A bill, to be entitled an act to abolish imprisonment for debt.—A bill, to be entitled an act to prevent Justices of the Peace from receiving money on judgments obtained before them in civil cases.—A bill, to be entitled an act authorizing Emzy Wilson to erect and build a Toll Bridge across Palarm bayou.—A bill, to be entitled an act supplementary to an act regulating the collection of taxes on Military Bounty Lands.—A bill, to be entitled an act to regulate the Practice of Physic.

A message from the House of Representatives, by Mr. *Talbot*.

Mr. President—I am instructed to inform your honorable body, that the House of Representatives have passed the following resolution:

Resolved, That no bill or memorial, into either House of this General Assembly, shall be received after the twenty-fourth of this present month.

And ask your concurrence therein.

And, on motion of Mr. *Farrelly*,

Ordered, That said resolution lie on the table.

Mr. *Bridges*, from the Select Committee to which was referred a bill, entitled an act altering the line between the counties of St. Francis and Crittenden, reported the

same, with a substitute in lieu of the whole bill; which, being read, was concurred in.

Mr. *Lincecum* then moved the following amendment to the first section of the bill, to wit:

Provided, That nothing herein contained shall prevent either county or the officers thereof from exercising jurisdiction to the bank of the river opposite their respective counties.

Which amendment was rejected.

And then, on motion of Mr. *Bridges*, said bill was read a third time and PASSED, with the title of "An act to alter and establish permanently the boundary line between the counties of St. Francis and Crittenden;" and ordered to be transmitted to the House of Representatives for their concurrence.

On motion of Mr. *Farrelly*, the engrossed bill, entitled an act disposing of the ten sections of land donated by Congress for the purpose of building a house at the Seat of Government, was taken up, according to order, and an amendment offered by Mr. *Farrelly*, was adopted, and the bill ordered to be re-engrossed and read a third time to-day.

The said bill, as re-engrossed, was then taken up, read a third time, and on the question, "*Shall the bill pass?*" the ayes and noes being called for, on motion of Mr. *McAmy*, seconded by Mr. *Farrelly*, stood as follows, to wit:

Yeas.—Messrs. Blount, Boswell, Collins, Farrelly, Hughes, Ingram, McKenzie, Orr, Patton, Pennington, Sinclear, Wells, Wolf, and Mr. President.—14.

Nays.—Messrs. Bridges, Douglass, Hackett, Lincecum, McAmy, Tidwell, and Witter.—7.

Resolved, That said bill do PASS, and that the title be "An act disposing of the ten sections of land granted by Congress for the purpose of building a house at the Seat of Government;" and that the same be transmitted to the House of Representatives for their concurrence.

A message from the House of Representatives, by Mr. *Fullingim*.

Mr. *President*—I am instructed to inform your honorable Body, that a bill of the following title has passed the House of Representatives, to wit: An act to tax clock pedlars

ending such articles within this Territory ; which is herewith sent for your concurrence.

Which said bill was read a first time and ordered to a second reading.

Mr. *McAmy* asked and obtained leave to introduce a bill, to be entitled an act better to designate the line between the counties of Izard and Washington, and for other purposes ; which was read a first time and ordered to a second reading.

A message from the House of Representatives, by Mr. *Talbot*.

Mr. President—I am instructed to inform your honorable body, that the House of Representatives have passed the following bills, and herewith transmit the same for your concurrence, to wit: An act amendatory of and supplementary to the act passed by the General Assembly of Arkansas Territory, October 22, 1828, entitled an act further to regulate the payment of cost in criminal and penal cases ; and an act to extend the power and enlarge the duties of Coroners.

Which bills were received, read the first time, and ordered to a second reading.

The bill, entitled an act supplementary to the several laws concerning roads, was read a second time, and on motion of Mr. *Wolf*, committed to a Committee of the Whole, and made the order of the day for to-morrow.

The bill, entitled an act authorizing Frederick Fletcher to erect and keep a Toll Bridge across Point Remove creek, was read a second time, and ordered to be engrossed and read a third time to-morrow.

The engrossed bill, from the House of Representatives, entitled an act permanently to fix the Seat of Justice in the county of Sevier, and appointing trustees for the same, was taken up, read a first time, and ordered to a second reading.

The engrossed bill, entitled an act supplementary to the laws now in force for the collection of taxes, was read the third time and PASSED, with the title aforesaid, striking out the words "A bill, entitled" ; and ordered to be sent to the House of Representatives for their concurrence.

On motion of *Mr. Sinclear*, the Legislative Council resolved itself into a Committee of the Whole, *Mr. Farrelly* in the chair, on the bill, entitled an act concerning Attornies at Law; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. Farrelly reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the same to the Legislative Council, without amendment.

Which report was received, and the committee discharged from the further consideration thereof.

The question was then taken, *Shall the bill be read a second time?* and decided in the negative.

And the bill was ordered to lie on the table.

Mr. Pennington presented the petition of sundry citizens of Conway county, praying that their present Seat of Justice may be and remain permanent; which was read, and on motion of *Mr. Blount*, laid on the table.

On motion of *Mr. Blount*, the Legislative Council then resolved itself into a Committee of the Whole, *Mr. Orr* in the chair, on the bill, entitled an act for the removal and permanent location of the Seat of Justice for the county of Conway; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. Orr reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the same to the Legislative Council, with an amendment, (striking out the fourth section.)

Which report was received, the amendment adopted, and

On motion of *Mr. Blount*, ordered to be engrossed and read a third time to-morrow.

On motion of *Mr. Orr*, the Legislative Council then resolved itself into a Committee of the Whole, *Mr. Farrelly* in the chair, on the bill, entitled an act supplemen-

tary to an act of the Legislature of the Territory of Arkansas, approved November the 24th, 1829, concerning marriages; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. *Farrelly* reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the same, with an amendment, (striking out the first section, with the enacting clause.)

Which report was received, the amendment adopted, and the bill *rejected*.

On motion of Mr. *McKenzie*, the Legislative Council then resolved itself into a Committee of the Whole, Mr. *Blount* in the chair, on the bill, entitled an act for the relief of Edward Smith; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. *Blount* reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the same, with amendments.

Which report was received, and the amendments adopted.

The said bill was then read a third time and PASSED, with the title aforesaid, striking out the words "A bill, entitled"; and ordered to be transmitted to the House of Representatives.

On motion of Mr. *Sinclear*,

Resolved, That the hour for the meeting of the Council hereafter, be nine o'clock.

And then, on motion of Mr. *Farrelly*, the Legislative Council adjourned.

HOUSE OF REPRESENTATIVES.

Mr. *Pope*, from the Committee on the Judiciary, made the following REPORT:

The Committee on the Judiciary, to whom was referred that part of the Governor's message that relates to the criminal code, have had the same under consideration, and ask leave to report the following bill, to wit: A bill, to be entitled an act giving to Jurors that discretionary power in

criminal cases heretofore given to the Judges of the Circuit Court.

Which was read and ordered to a second reading.

Mr. *Smith*, from the Committee on Enrolments, made the following REPORT:

The committee have examined engrossed bills No. 4, 8, 14 and 15, and find the same to be correctly engrossed.

Mr. *Wilson*, in pursuance of notice previously given, asked and obtained leave to introduce a bill, to be entitled an act supplementary to an act to elect commissioners to locate the Seat of Justice of the county of Clark, approved November 21, 1829; which was read and ordered to a second reading to-morrow.

Mr. *Livingston*, in pursuance to notice previously given, asked and obtained leave to introduce a bill, to be entitled an act permanently to locate the Seat of Justice of Crittenden county; which was read a first time and ordered to a second reading to-morrow.

Mr. *Crutchfield* gave notice, that, on to-morrow, he would ask leave to introduce a bill to regulate proceedings in chancery; and also, that he would, on the same day, ask leave to introduce a bill concerning suits on penal bonds.

Mr. *Whinnery*, in pursuance to notice previously given, asked and obtained leave to introduce a bill, to be entitled an act to abolish imprisonment for debt; which was read a first time and ordered to a second reading.

Mr. *Wolf*, in pursuance to notice previously given, asked and obtained leave to introduce a bill, to be entitled an act to prevent Justices of the Peace from receiving money on judgments obtained before them in civil cases; which was read a first time and ordered to a second reading.

Mr. *Rutherford*, in pursuance to notice previously given, asked and obtained leave to introduce a bill, entitled an act authorizing Emzy Wilson to erect and build a Toll Bridge across the Palarm bayou; which was read a first time and ordered to a second reading.

Mr. *Hanks*, pursuant to notice previously given, asked and obtained leave to introduce a bill, to be entitled an

act supplementary to an act entitled an act to regulate the collection of taxes on Military Bounty Lands; which was read and ordered to a second reading.

Mr. Gibson, pursuant to notice previously given, asked and obtained leave to introduce a bill, to be entitled an act to regulate the practice of Physic; which was read and ordered to a second reading.

Mr. Scott of Pope, from the Standing Committee on Memorials, made the following REPORT:

That they have had the several subjects referred to them, under consideration, and that they deem it inexpedient to memorialize Congress on the following subjects of reference, to wit:

1st. The establishing of a Land Office in the western part of this Territory.

2d. Appropriation for surveying the St. Francis river and Wappanocca bayou.

3d. Appropriation for opening a road from the Mouth of White river to intersect the road from Memphis to Little Rock, in the Big Prairie.

4th. On the subject of a road from Jefferson Barracks to Fort Smith.

And your committee beg leave to be discharged from the further consideration of the same.

Which report was concurred in by the House, and the committee were discharged from the further consideration of such subjects as are mentioned in their said report.

Mr. Scott of Pope, from the Standing Committee on the Judiciary, made the following

REPORT:

The Standing Committee on the Judiciary, to whom was referred several subjects of importance, REPORT: That they have had under consideration that part of the Governor's message which relates to the Judicial System, made two years since: and, in their opinion, so far as relates to Circuit Courts, no report is at present necessary; and beg to be discharged from the further consideration of the same. Your committee have had also under consideration, that part of the Governor's message which was referred to them, relative to executors and administrators, and deem it unnecessary that any alteration should be made in the laws governing those subjects. Your committee would assign as their reason for arriving at this unanimous conclusion, the decided will of this House, expressed on yesterday, on the subject of abolishing the office of County Judges, if not the

County Court System entire; in both, or either of which events, the management of estates must necessarily revert back to the Circuit Courts, a tribunal, in the opinion of your committee, fully competent to decide on all subjects, without an augmentation of salary to elicit talents on the County Court bench, at the expense of the widow and orphan. Your committee therefore pray to be discharged from the further consideration of this subject. The other subjects of reference made to your committee, and which they deem necessary to report on by bill, are now in a state of progress, and will be reported at an early day.

Which report was concurred in by the House, and the committee discharged from the further consideration of such subjects as are mentioned in said report.

Mr. Brown gave notice, that, on to-morrow, he would ask leave to introduce a bill to change the mode of taking the assessment of taxable property.

Mr. Smith offered the following resolution:

Resolved, That no bill or memorial shall be introduced in either House of the General Assembly after the 24th day of this present month.

Which was adopted.

The memorial to the Congress of the United States, praying for an appropriation to remove the snags and other obstructions to the navigation of the Arkansas river, was read a second time, and

On motion of *Mr. Brown*, referred to the Committee on Memorials.

The bill, entitled an act for the relief of Chilo A. Moltier, was then taken up, read a second time, and

On motion of *Mr. Livingston*, ordered to be engrossed for a third reading to-morrow.

A message from the Legislative Council, by *Mr. Blount*.

Mr. Speaker—I am instructed to inform your honorable body, that bills with the following titles have been introduced in the Legislative Council, to wit: An act supplementary to the several laws concerning roads; and an act authorizing Frederick Fletcher to erect and keep a Toll Bridge across Point Remove creek.

The bill, to be entitled an act to repeal the first section of an act supplementary to an act defining the powers of Justices of the Peace in matters of a civil nature,

approved October 23d, 1821, was then taken up, read a second time, and

On motion of Mr. *Scott of Pope*, referred to a Select Committee of Messrs. *Scott of Pope*, *Wilson*, and *Wolf*.

The engrossed bill, entitled an act to define the time of electing all civil officers in this Territory, was then taken up, read a third time, and

On motion of Mr. *Brown*, committed to a Select Committee of Messrs. *Brown*, *Wilson*, and *Crutchfield*.

The bill, entitled an act to tax clock pedlars vending such articles within the limits of this Territory, was taken up, read a third time, PASSED, and sent to the Legislative Council for their concurrence.

The engrossed bill, entitled an act to extend the power and enlarge the duties of Coroners, was taken up, read a third time, PASSED, and sent to the Legislative Council for their concurrence.

The engrossed bill, entitled an act amendatory of and supplementary to the act passed by the General Assembly of Arkansas Territory, October 22d, 1828, entitled an act further to regulate the payment of costs in criminal and penal cases, was then taken up, read a third time, PASSED, and sent to the Council for concurrence.

On motion of Mr. *Crutchfield*, the House then resolved itself into a Committee of the Whole, Mr. *Wilson* in the chair, and took into consideration the bill, from the Legislative Council, entitled an act regulating the fees of Prosecuting Attornies; and, after some time spent thereon, the committee rose, reported the bill without amendment; when,

On motion of Mr. *Wilson*, it was laid on the table.

On motion of Mr. *Clark*, the House again went into Committee of the Whole, on the bill, entitled an act to regulate Attornies fees, Mr. *Manly* in the chair; and, after some time spent thereon, the committee rose, reported the bill, with amendments, and

On motion of Mr. *Scott of Pope*, it was ordered to be engrossed for a third reading to-morrow.

A message from the Legislative Council, by Mr. *Patton*,
Mr. *Speaker*—I am instructed to inform you, that the Le-

Legislative Council have passed bills of the following titles: An act disposing of the ten sections of land granted by Congress, for the purpose of building a house at the Seat of Government; and an act to alter and establish permanently the boundary line between the counties of St. Francis and Crittenden; and ask your concurrence therein.

The bill, from the Legislative Council, entitled an act disposing of the ten sections of land granted by Congress, for the purpose of building a house at the Seat of Government, was then taken up, read, and ordered to a second reading to-morrow.

The bill, from the Legislative Council, entitled an act to alter and establish permanently the boundary line between the counties of St. Francis and Crittenden, was then taken up, read, and ordered to a second reading to-morrow.

On motion of Mr. *Brown*, the bill, entitled an act to prevent certain persons from giving testimony, was taken up, read a second time, and ordered to be engrossed for a third reading to-morrow.

On motion of Mr. *Manly*, the bill, entitled an act altering the mode of summoning Jurors and allowing them compensation, was taken up in Committee of the Whole, Mr. *Rutherford* in the chair; and, after some time spent thereon, the committee rose and reported the bill, with amendments, which was concurred in; when,

On motion of Mr. *Scott of Pope*, it was referred to a Select Committee of Messrs. *Scott of Pope*, *Manly*, and *Menefee*.

On motion of Mr. *Gibson*, the bill, entitled an act permanently to locate the Seat of Justice of Chicot county, was taken up, read a second time, and ordered to be engrossed for a third reading to-morrow.

A message from the Legislative Council, by Mr. *Hughes*.

Mr. *Speaker*—I am instructed to inform you, that the Legislative Council have passed a bill, entitled an act supplementary to the laws now in force for the collection of taxes; which is herewith sent for your concurrence therein;—and that a bill, better to designate the line between the counties of Washington and Izard, and for other purposes, has been introduced in the Council.

On motion of Mr. *Brown*, the House again resolved

itself into a Committee of the Whole, to take into consideration the bill, entitled an act supplementary to the several laws of this Territory concerning roads and highways, Mr. *Clark* in the chair; and, after some time spent thereon, the committee rose, reported the bill, with amendments, and

On motion of Mr. *Wilson*, -it was referred to a Select Committee of Messrs. *Wilson*, *Scott* of *Pope*, and *Holland*.

The bill, from the Legislative Council, entitled an act supplementary to the laws now in force for the collection of taxes, was taken up, read the first time, and ordered to a second reading to-morrow.

On motion of Mr. *Wilson*, the House again resolved itself into a Committee of the Whole, on the bill, entitled an act supplementary to an act relative to School Lands, Mr. *Whinnery* in the chair; and, after some time spent thereon, the committee rose, reported the bill, without amendment, which was concurred in by the House, and

On motion of Mr. *Wilson*, committed to a Select Committee of Messrs. *Wilson*, *Brown*, *Hudspeth*, *Manly*, and *Scott* of *Pope*.

Mr. *Scott* of *Pope* offered the following resolution, which was concurred in by the House.

Resolved, That a committee of three be appointed to wait on the Rev. James Moore, and invite him to preach a sermon in the Representatives Hall, at 11 o'clock, on Sabbath next, and every Sabbath thereafter, during the sitting of the Legislature, that he may choose to appoint.

The Chair appointed Messrs. *Scott* of *Pope*, *Stilwell*, and *Holland*, that committee, and

On motion, the House adjourned.

LEGISLATIVE COUNCIL.

Saturday, October 15, 1831.

Mr. *McAmy*, from the Committee of Ways and Means, which had been instructed by resolution for that purpose, made the following REPORT, to wit:

That the Committee of Ways and Means have had under consideration a resolution referred to them, on the subject of the Revenue Law of Missouri, in Geyer's Digest, which

compels parties to pay a tax of one dollar to the Territory, on writs and executions, before justice can be had; and are of opinion that no alteration ought to be made in said law. They therefore ask to be discharged from the further consideration thereof.

Which was laid on the table until Monday next.

Mr. *Sinclear*, from the Select Committee to which was committed the bill entitled an act to reduce into one the several acts concerning Strays, reported the same, with a substitute, entitled "an act concerning Strays," by way of amendment, in lieu of the original bill; which amended bill, on motion of Mr. *Farrelly*, was amended by striking out the sixth section, and adopted; and the bill, thus amended, was ordered to be engrossed and read a third time on Monday next.

Mr. *Wolf*, from the Committee on Divorce and Alimony, to which was referred the petition of Alexander W. Sweeney, praying a divorce from his wife, Susannah Sweeney; and the petition of Joel Miller, and Mary, his wife, praying a divorce, reported against the petitions, as unreasonable; which report was received and concurred in; and

On motion of Mr. *McAmy*, the petition of Sweeney, with the accompanying documents, was withdrawn, and

On motion of Mr. *Bridges*, the petition of Joel Miller, and Mary, his wife, was withdrawn.

Mr. *Farrelly* asked and obtained leave to introduce a bill authorizing the infant heirs of John Kepler, deceased, to convey a tract of land; which was read and ordered to a second reading.

The engrossed bill, from the House of Representatives, entitled an act permanently to fix the Seat of Justice in the county of Sevier, and appointing trustees for the same, was read the second time and committed to a Select Committee, consisting of Messrs. *Hartfield*, *Witter*, and *Douglass*.

The engrossed bill, from the House of Representatives, entitled an act amendatory of and supplementary to the act passed by the General Assembly of Arkansas Territory, October 22, 1828, entitled an act further to

regulate the payment of cost in criminal and penal cases, was read a second time, committed to a Committee of the Whole, and made the order of the day for Tuesday next.

The engrossed bill, from the House of Representatives, entitled an act to tax clock pedlars vending such articles within the limits of this Territory, was read a second time, committed to a Committee of the Whole, and made the order of the day for Tuesday next.

The engrossed bill, from the House of Representatives, entitled an act to extend the power and enlarge the duties of Coroners, was read the second time, committed to a Committee of the Whole, and made the order of the day for Wednesday next.

The bill, entitled an act better to designate the line between the counties of IZARD and Washington, and for other purposes, was read a second time, and committed to a Select Committee, consisting of Messrs. *Wolf, McAmy,* and *Tidwell*.

The engrossed bill, entitled an act for the removal and permanent location of the Seat of Justice for the county of Conway, was read a third time and PASSED, with the title aforesaid, striking out the words "A bill, entitled," and

Ordered, That Mr. *Blount* carry the same to the House of Representatives, and ask their concurrence therein.

The engrossed bill, entitled an act to locate the Seat of Justice in Jackson county, and for other purposes, was, on motion of Mr. *Farrelly*, amended by way of a ryder to the second section, read a third time and PASSED, with the title aforesaid, striking out the words "A bill, entitled," and

Ordered, That Mr. *Tidwell* transmit the same to the House of Representatives for their concurrence.

The engrossed bill, entitled an act authorizing Frederick Fletcher to erect and keep a Toll Bridge across Point Remove creek, was read the third time and PASSED, with the title aforesaid, striking out the words "A bill, entitled," and

Ordered, That Mr. *Tidwell* transmit the same to the House of Representatives for their concurrence.

On motion of Mr. *Douglass*, the Legislative Council then resolved itself into a Committee of the Whole, Mr. *Sinclear* in the chair, on the bill, entitled an act to extend the jurisdiction of Justices of the Peace in matters of a civil nature; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. *Sinclear* reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the same, without amendment; which report was agreed to, and the committee discharged from the further consideration thereof; and

On motion of Mr. *Farrelly*, the bill was ordered to lie on the table.

On motion of Mr. *Patton*, the Legislative Council then resolved itself into a Committee of the Whole, Mr. *Lincecum* in the chair, on the bill, entitled an act for the relief of Joseph Carnes; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. *Lincecum* reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the same, with amendments; which report was received, the amendments adopted, and the bill ordered to be engrossed and read a third time on Monday next.

A message from the House of Representatives, by Mr. *Manly*.

Mr. *President*—I am instructed to inform your honorable body, that bills and memorials have been introduced into the House of Representatives, to wit: A memorial, praying the removal of the troops stationed at Cantonment Gibson, within the limits of this Territory.—A memorial to the Congress of the United States, to continue the road from Jackson, Lawrence county, to Washington, Hempstead, to Hicks' ferry, on the north, and to Fulton, on Red river. A bill, to be entitled an act concerning writs and penal bonds.—A bill, to be entitled an act permanently to locate the Seat of Justice of Miller county, and more distinctly to define the boundary lines of said county.—A bill, to be en-

titled an act to change the mode of assessing taxes in this Territory.

Messages were also received from the House of Representatives, informing the Council, that the House have passed a bill, to be entitled an act permanently to locate the Seat of Justice of the county of Chicot.—An act to prevent certain persons from giving testimony in this Territory.—An act to regulate Attornies fees;—and an act for the relief of Chilo A. Moltier; and herewith transmit the same for your concurrence. Also, that the House have passed the bill, from the Council, entitled an act authorizing Frederick Fletcher to erect and keep a Toll Bridge across Point Remove creek.

Which said bills were read the first time and ordered to a second reading.

On motion of Mr. *Wolf*, the Legislative Council resolved itself into a Committee of the Whole, Mr. *Boswell* in the chair, on the bill, entitled an act supplementary to the several laws concerning roads; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. *Boswell* reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the same with an amendment; which report was received, the amendment adopted, and the bill committed to a Select Committee, consisting of Messrs. *McAmy*, *Orr*, and *Wolf*.

Mr. *Farrelly*, who voted in the majority yesterday, when the question, *Shall the bill be read a third time?* was taken, on the bill, entitled an act concerning Attornies at Law, moved to reconsider his vote.

Mr. *McAmy*, who likewise voted in the majority, moved to reconsider his vote.

And the bill was taken up.

Mr. *McKenzie* then moved to lay the bill on the table until the fourth day of July next; which motion was rejected; and then,

On motion of Mr. *McAmy*, the bill was laid on the table.

On motion of Mr. *Pennington*, the Council adjourned.

HOUSE OF REPRESENTATIVES.

Mr. *Crutchfield* presented a petition from R. C. Byrd, Auditor of this Territory, which was referred to a Select Committee of Messrs. *Crutchfield*, *Scott* of *Hempstead*, and *Hudspeth*.

Mr. *Smith*, from the Committee on Enrolments, reported, that the committee had examined bills of the following titles, and found them to be correctly engrossed, to wit: An act permanently to locate the Seat of Justice of the county of Chicot.—An act to regulate Attornies fees.—An act to restrict certain persons from giving testimony in all civil, penal and criminal cases within this Territory; and an act for the relief of Chilo A. Moltier.

Mr. *Crutchfield*, from the Committee on the Judiciary, made the following REPORT:

The Committee on the Judiciary, to whom was referred so much of the Governor's message as relates to crimes and punishments, have had, among other subjects, that of the act against duelling, under their consideration; and, after deliberating upon the same, they deem it highly expedient to re-enact so much of the second and the whole of the third section of the act approved October 23d, 1820, to suppress the practice of duelling, as now stands repealed by the act approved October 27th, 1825; and in accordance with the views which the committee have taken on this subject, they have drafted the following bill, which they beg leave to introduce, to wit: A bill, to be entitled an act re-enacting and declaring in force that part of the second and the whole of the third section of the act, entitled an act to suppress the practice of duelling, approved October 23d, 1820, and repealing the act, entitled an act to repeal a part of the second and the whole of the third section of an act to suppress the practice of duelling, approved October 27, 1825.

Which was read a first time and ordered to a second reading.

Mr. *Hudspeth* obtained leave to introduce a memorial to the Congress of the United States, praying an extension of the road from Jackson, Lawrence county, to Washington, in Hempstead county, from Jackson to Hicks' ferry, on the Current's river, and from Washington to Fulton, on Red river; which was read a first time and ordered to a second reading.

Mr. *Manly* gave notice, that, on Tuesday next, he would ask leave to introduce a bill, to be entitled an act for the better defining the boundary of Independence county.

Mr. *Wilson* moved the following:

Resolved, That the Select Committee, to whom was referred the bill, entitled an act concerning roads and highways, be instructed to introduce a substitute for said bill, with the following provisions, viz. To repeal the act establishing County Courts, approved November 13, 1829, and require the Judges of the Circuit Court to appoint one Justice of the Peace in each township in the several counties of this Territory, as Road Commissioners, to sit four times in each year, with power to lay off roads, make road divisions, and apportion hands to work on roads, which Commissioners shall serve one year, and that the Court of Commissioners have power to try all presentments against overseers of roads, made by the Grand Jury of the County, and that the bill prescribe the form of the presentment.

Which resolution, on motion of Mr. *Wilson*, was referred to the Committee of the Whole for to-day.

Mr. *Crutchfield*, pursuant to notice previously given, asked and obtained leave to introduce a bill, to be entitled an act concerning writs on penal bonds; which was read and ordered to a second reading.

Mr. *Whinnery* moved the following resolution, which was adopted:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of regulating the tax on merchants and merchandize.

Mr. *Clark*, pursuant to notice previously given, asked and obtained leave to introduce a bill, to be entitled an act permanently to locate the Seat of Justice in the county of Miller, and more distinctly to define the boundary of said county; which was read a first time, and ordered to a second reading.

Mr. *Brown*, pursuant to notice previously given, asked and obtained leave to introduce a memorial to the President of the United States, praying the removal of the troops stationed at Cantonment Gibson, within the limits of this Territory; which was read a first time, and

On motion of Mr. *Brown*, the rules of the House were dispensed with, and the memorial read a second time.

Mr. Brown then moved that it be referred to the Committee on Memorials, which was negatived; and

On motion of *Mr. Brown*, it was ordered to be engrossed for a third reading.

Mr. Brown, pursuant to notice previously given, asked and obtained leave to introduce a bill, to be entitled an act to change the mode of assessing taxes in this Territory, and for other purposes; which was read a first time and ordered to a second reading.

Mr. Brown gave notice, that, on Thursday next, he would ask leave to introduce bills of the following titles: A bill, to be entitled an act supplementary to an act entitled an act concerning executors and administrators; and an act, to be entitled an act concerning garnishments.

The bill, from the Legislative Council, entitled an act disposing of the ten sections of land granted by Congress, for the purpose of building a house at the Seat of Government, was taken up, read a second time; and

On motion of *Mr. Crutchfield*, made the order of the day for Monday next, in Committee of the Whole.

The bill, from the Legislative Council, entitled an act supplementary to the laws now in force for the collection of taxes, was taken up, read a second time, and

On motion of *Mr. Crutchfield*, committed to a Committee of the Whole, and made the order of the day for Monday next.

The bill, from the Legislative Council, entitled an act to alter and establish permanently the boundary line between the counties of St. Francis and Crittenden, was taken up, read a second time, and ordered to a third reading.

Messages were received from the Council, informing the House, that the Council have passed bills of the following titles, to wit: A bill, entitled an act for the relief of Edward Smith.—A bill, entitled an act for the removal and permanent location of the Seat of Justice for the county of Conway; which, with the accompanying papers, is herewith sent to the House for concurrence.—A bill, entitled an act to locate the Seat of Justice in Jackson county, and for other purposes.

Which bills were read a first time and ordered to a second reading.

The House were also informed, that the Council have passed a bill, entitled an act authorizing Frederick Fletcher to erect and keep a Toll Bridge across Point Remove creek; which is sent to the House for concurrence.

The bill to authorize Frederick Fletcher to erect and keep a Toll Bridge across Point Remove creek, was then taken up, read a first time, and

On motion of Mr. *Menefee*, the rules of the House were dispensed with, and the bill read a second and third time, and PASSED.

The bill, entitled an act giving to Jurors that discretionary power in criminal cases heretofore given to the Judges of the Circuit Court, was taken up, read a second time, and

On motion of Mr. *Scott* of Pope, committed to a Committee of the Whole, and made the order of the day for Monday next.

The bill, to be entitled an act supplementary to an act to elect commissioners to locate the Seat of Justice for the county of Clark, approved November 21, 1829, was taken up, read a second time, and

On motion of Mr. *Wilson*, ordered to be engrossed and read a third time on Monday next.

The bill, to be entitled an act permanently to locate the Seat of Justice of Crittenden county, was taken up, read a second time, and

On motion of Mr. *Livingston*, ordered to be engrossed and read a third time on Monday next.

The bill, to be entitled an act to abolish imprisonment for debt, was taken up, read a second time, and

On motion of Mr. *Crutchfield*, committed to a Committee of the Whole, and made the order of the day for Monday next.

The bill, to be entitled an act to prevent Justices of the Peace from receiving money on judgements obtained before them in civil cases, was taken up, read a second time, and

On motion of Mr. *Rutherford*, committed to a Committee of the Whole, and made the order of the day for Monday next.

The bill, to be entitled an act supplementary to an act regulating the collection of taxes on Military Bounty Lands, was taken up, read a second time, and

On motion of Mr. *Wilson*, committed to the Committee on the Judiciary.

The bill, to be entitled an act to authorize Emzy Wilson to build a Toll Bridge across Palarm bayou, was taken up, read a second time, and

On motion of Mr. *Crutchfield*, ordered to be engrossed and read a third time on Monday.

The bill, to be entitled an act to regulate the Practice of Physic, was taken up, read a second time, and

On motion of Mr. *Menefee*, committed to a Select Committee; and Messrs. *Menefee*, *Gibson*, and *Manly*, were appointed.

The following bills, to wit: A bill, to be entitled an act permanently to locate the Seat of Justice for Chicot county.—A bill, to be entitled an act for the relief of Chilo A. Moltier; and a bill, to be entitled an act to prevent certain persons from giving evidence—were severally read a third time, PASSED, and sent to the Legislative Council for concurrence.

The bill, to be entitled an act to regulate Attornies fees, was then taken up and read a third time.

Mr. *Crutchfield* moved that the bill be indefinitely postponed, which was decided in the negative, by yeas and nays, as follows:

Yeas.—Messrs. Brown, Crutchfield, Hanks, and Wilson.—4.

Nays.—Messrs. Calvert, Clark, Fillingim, Gibson, Holland, Hudspeth, Livingston, Magness, Manly, Menefee, Pope, Rutherford, Scott of Pope, Scott of Hempstead, Smith, Stilwell, Talbot, Whinnery, Wolf, and Mr. Speaker.—20.

The question then being taken on the final passage of the bill, it was decided in the affirmative, and the bill was sent to the Legislative Council for their concurrence.

Message from the Legislative Council, by Mr. *Farrelly*.

Mr. *Speaker*—I am instructed to inform you, that a bill, authorizing the infant heirs of John Kepler, deceased, to

convey a tract of land, has been introduced into the Legislative Council.

On motion of Mr. *Manly*, the House resolved itself into a Committee of the Whole, on the bill, to be entitled an act to punish the crime of horse stealing, Mr. *Scott* of Pope in the chair; and, after some time spent thereon, the committee rose and reported the bill, with sundry amendments; and thereupon,

Mr. *Rutherford* moved that the bill lie upon the table until the 25th day of December next; which motion was decided in the affirmative.

On motion of Mr. *Wilson*, the House then resolved itself into a Committee of the Whole, on the resolution of the Select Committee appointed to take into consideration the bill concerning roads and highways, which was this day submitted for instruction, Mr. *Menefee* in the chair; and, after some time spent thereon, the committee rose, reported the resolution, with an amendment, which was concurred in by the House, and

On motion of Mr. *Manly*, the resolution was re-committed to the Select Committee.

And, on motion, the House adjourned.

LEGISLATIVE COUNCIL.

Monday, October 17, 1831.

Mr. *Douglass*, from the Joint Committee of Enrolments, reported, that the said committee had examined the enrolled bill, entitled an act for the relief of the illegitimate children of David D. Williams, and had found the same truly enrolled.

Mr. *McAmy*, from the Select Committee to which was committed the bill, entitled an act supplementary to the several laws concerning roads, reported the same, with an amendment, which was concurred in, and

On motion of Mr. *McAmy*, the bill was ordered to be engrossed and read a third time on Wednesday next.

Mr. *McAmy* asked and obtained leave to introduce a bill, entitled an act to revise, consolidate and amend the several acts relative to Justices of the Peace and Constables; which was read the first time, and ordered to a second reading.

Mr. Hughes asked and obtained leave to introduce a bill, entitled an act to revive certain provisions of an act entitled an act to erect and establish the county of Pope; which was read the first time and ordered to a second reading.

The report of **Mr. McAmy**, of the Committee of Ways and Means, to which was referred a resolution on the subject of the Revenue Law, as it relates to the payment of a tax of one dollar to the Territory on writs and executions, was taken up, read, and

On motion of **Mr. Patton**, committed to a Select Committee, consisting of Messrs. *Patton, McAmy, and Sinclear*.

The bill, entitled an act authorizing the infant heirs of **John Kepler**, deceased, to convey a tract of land, was taken up, read a second time, and ordered to a third reading to-morrow.

The engrossed bill, from the House of Representatives, entitled an act permanently to locate the Seat of Justice of the county of Chicot, was read a second time, and ordered to a third reading to-morrow.

The engrossed bills, from the House of Representatives, entitled an act to prevent certain persons from giving evidence in this Territory, and an act to regulate Attornies fees, were severally read a second time, committed to a Committee of the Whole, and made the order of the day for to-morrow.

The engrossed bill, from the House of Representatives, entitled an act for the relief of **Chilo A. Moltier**, was read a second time and ordered to a third reading to-morrow.

A message from the House of Representatives, by **Mr. Brown**.

Mr. President—I am instructed to inform your honorable body, that the following bills have been introduced into the House of Representatives, to wit: A bill to exempt old men from paying a poll tax.—A bill authorizing **William Lockhart** to erect and build a Toll Bridge across Saline river.—A bill to levy a tax in the county of Lawrence, for the purpose of building a jail in said county.—A bill defining the qualifications of electors in the Territory of Arkansas.—A bill to enable judgment creditors to collect their debts with more facility.

The engrossed bill, entitled an act concerning Strays, was read the third time and PASSED, with the title aforesaid, striking out the words "A bill, entitled"; and

Ordered, That Mr. *Pennington* transmit the same to the House of Representatives for their concurrence.

The engrossed bill, entitled an act for the relief of Joseph Carnes, was read the third time and PASSED, with the title aforesaid, striking out the words "A bill, entitled"; and

Ordered, That Mr. *Patton* transmit the same to the House of Representatives, and ask their concurrence therein.

On motion of Mr. *Collins*, the Legislative Council resolved itself into a Committee of the Whole, Mr. *Hughes* in the chair, on the bill, entitled an act in amendment to an act concerning Gin holders in this Territory; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. *Hughes* reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the same, without amendment; which report was received and the committee discharged from the further consideration thereof.

Mr. *Boswell* then moved to lay the bill on the table until the first day of June next, which was negatived.

Mr. *Lincecum* then moved to commit the bill to a Select Committee, which was also decided in the negative.

Then, on motion of Mr. *Collins*, the bill was read a third time and PASSED, with the title aforesaid, striking out the words "A bill, entitled"; and

Ordered, That Mr. *Collins* transmit the same to the House of Representatives, and ask their concurrence therein.

A message from the House of Representatives, by Mr. *Rutherford*.

Mr. *President*—I am instructed to inform your honorable body, that a memorial to the President of the United States, praying the removal of the troops stationed at Cantonment Gibson within the limits of this Territory, has passed the House of Representatives; and, also, that they have passed an act to alter and establish permanently the boundary line between the counties of St. Francis and Crittenden; and the same are herewith transmitted.

Which said memorial was taken up, read the first time, and ordered to a second reading.

Messages were also received from the House of Representatives, informing the Council, that bills of the following titles have passed the House of Representatives, to wit: An act to authorize Emzy Wilson to build a Toll Bridge across Palarm bayou.—An act supplementary to an act to elect commissioners to locate the Seat of Justice of the county of Clark, approved November 1, 1829.—An act permanently to locate the Seat of Justice of Crittenden county;—and herewith transmit the same and ask your concurrence.

Which bills were taken up, severally read the first time, and ordered to a second reading.

On motion of Mr. *Pennington*, the Legislative Council resolved itself into a Committee of the Whole, Mr. *Collins* in the chair, on the engrossed bill, from the House of Representatives, entitled an act to authorize the removal of the administration on the estate of Joseph Janes, deceased, from the county of Lafayette to the county of Clark; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. *Collins* reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the same, with an amendment; which said amendment was adopted and ordered to be engrossed, and the bill read a third time to-morrow.

On motion of Mr. *Farrelly*,

Resolved, That a Select Committee be appointed to inquire into the propriety of providing, by a general law, for the location and removal hereafter of all Seats of Justice in this Territory, instead of the mode of special enactment; and that the committee be composed of five members.

Whereupon, Messrs. *Farrelly*, *Collins*, *Hackett*, *Wolf*, and *Boswell*, were appointed to constitute said committee.

On motion of Mr. *Palton*, Mr. *Sinclear* was added to the Committee on Memorials.

And then, on motion of Mr. *Pennington*, the Legislative Council adjourned.

HOUSE OF REPRESENTATIVES.

Mr. *Manly* presented a proposal from Chester Ashley, to build a State-House of certain dimensions, together with an estimate of D. G. Eller, valuing the proposed building at \$12,000; which was read, and

On motion of Mr. *Manly*, committed to the Committee of the Whole, to which the act disposing of the ten sections of land donated by Congress for the purpose of building a house at the Seat of Government, was committed; which was made the order of this day.

Mr. *Brown*, from the Committee on Enrolled bills, reported that the committee had examined a bill of the following title, to wit: An act for the relief of the illegitimate children of David D. Williams, and found the same to be correctly enrolled.

Mr. *Menefee*, from the Select Committee on the bill to regulate the Practice of Physic, reported a bill as a substitute, which was accepted by the House; and thereupon, the bill was read a first time and ordered to a second reading.

Mr. *Wilson*, from the Select Committee to whom was referred the bill concerning roads and highways, reported as a substitute, the bill, to be entitled an act supplementary to the several laws now in force concerning roads and highways; which was read a first time and ordered to a second reading.

Mr. *Scott* of Pope, pursuant to notice previously given, asked and obtained leave to introduce a bill, to be entitled an act defining the qualifications of electors in the Territory of Arkansas; which was read a first time and ordered to a second reading.

Mr. *Brown*, from the Committee on Enrolled Bills, reported, that the committee had examined the following bills, to wit: An act supplementary to an act to elect commissioners to locate the Seat of Justice for the county of Clark.—A bill, to be entitled an act permanently to locate the Seat of Justice of the county of Chicot.—A bill, to be entitled an act to authorize Emzy Wilson to build a Toll Bridge across Palarm bayou; and found them to be correctly engrossed.

Mr. Wolf, pursuant to notice previously given, asked and obtained leave to introduce a bill, to be entitled an act to enable judgment creditors to collect their debts with more facility; which was read a first time and ordered to a second reading.

Mr. Smith asked and obtained leave to introduce a bill, to be entitled an act to levy a tax in the county of Lawrence, for the purpose of building a jail in said county; which was read a first time and ordered to a second reading.

Mr. Crutchfield asked and obtained leave to introduce a bill, to be entitled an act to authorize William Lockhart to erect and build a Toll Bridge across the Saline river; which was read a first time and ordered to a second reading.

Mr. Brown withdrew a notice previously given, of his intention to introduce, on Thursday next, a bill concerning garnishments.

Mr. Pope, pursuant to notice previously given, introduced a bill, to be entitled an act to exempt old men from the payment of a poll tax; which was read a first time and ordered to a second reading.

The following bills, from the Legislative Council, to wit: An act for the removal and permanent location of the Seat of Justice of the county of Conway; and an act for the relief of Edward Smith—were severally read a second time, committed to a Committee of the Whole, and made the order of the day for Tuesday next.

The bill, from the Legislative Council, entitled an act to locate the Seat of Justice in Jackson county, and for other purposes, was read a second time, and on motion of *Mr. Manly*, referred to a Select Committee, and Messrs. *Manly*, *Scott* of Hempstead, and *Scott* of Pope, were appointed that committee.

The memorial to the Congress of the United States, praying a continuance of the road from Jackson, Lawrence county, to Washington, Hempstead county, from its northern extremity to Hicks' ferry, on the Current's river, and from its western extremity to Fulton, on Red river, was read a second time, and

On motion of Mr. *Clark*, referred to a Select Committee; and Messrs. *Clark*, *Whinnery*, *Scott* of Hempstead, *Smith*, and *Magness*, were appointed that committee.

Message from the Legislative Council, by Mr. *Patton*.

Mr. *Speaker*—I am instructed to inform your honorable body, that the Legislative Council has passed a bill, entitled an act for the relief of Joseph Carnes; which is herewith transmitted for your concurrence.

Which was read a first time and ordered to a second reading.

The bill, to be entitled an act concerning writs on penal bonds, was read a second time, and

On motion of Mr. *Manly*, committed to a Committee of the Whole, and made the order of the day for Tuesday next.

The bill, to be entitled an act permanently to locate the Seat of Justice in the county of Miller, and more distinctly to define the boundary line of said county, was read a second time, referred to a Select Committee, and Messrs. *Clark*, *Whinnery*, and *Gibson*, were appointed that committee.

Message from the Legislative Council, by Mr. *Pexnington*.

Mr. *Speaker*—I am instructed to inform you, that the Legislative Council have passed a bill, to be entitled an act concerning Strays; which is herewith sent for your concurrence.

And the said bill was read a first time and ordered to a second reading.

The bill, to be entitled an act to change the mode of assessing taxes in this Territory, and for other purposes, was read a second time, and

On motion of Mr. *Scott* of Pope, committed to a Committee of the Whole, and made the order of the day for Tuesday next.

The bill, entitled an act re-enacting and declaring in force that part of the second and the whole of the third section of the act entitled an act to suppress the practice of duelling, approved October 23d, 1830, and repealing an act entitled an act to repeal a part of the second and the whole of the third section of an act to suppress the

practice of duelling, approved October 27th, 1825, was read a second time, and

On motion of *Mr. Menefee*, referred to a Committee of the Whole, and made the order of the day for Wednesday next.

The memorial to the President of the United States, praying the removal of the troops stationed at Cantonment Gibson, within the limits of this Territory, was read a third time and PASSED.

The following bills, to wit: A bill, to be entitled an act supplementary to an act to elect commissioners to locate the Seat of Justice of the county of Clark, approved November 21st, 1829.—An act permanently to locate the Seat of Justice for Crittenden county;—and an act to authorize Emzy Wilson to build a Toll Bridge across Palarm bayou—were severally read a third time and PASSED.

The bill, from the Legislative Council, to alter and establish permanently the boundary line between the counties of St. Francis and Crittenden, was read a third time and PASSED.

On motion of *Mr. Brown*, the House then resolved itself into a Committee of the Whole, *Mr. Manly* in the chair, and took under consideration the bill, from the Legislative Council, entitled an act supplementary to the laws now in force for the collection of taxes; and, after some time spent thereon,

On motion of *Mr. Crutchfield*, rose and reported the act, with some amendments, which were concurred in by the House, and the act was ordered to a third reading to-morrow.

Message from the Legislative Council, by *Mr. Bridges*.

Mr. Speaker—I am instructed to inform you, that bills of the following titles, to wit: A bill, to be entitled an act to revise, consolidate and amend the several acts relative to Justices of the Peace and Constables; and, also, an act to revive certain provisions of an act entitled an act to erect and establish the county of Pope—have been introduced into the Legislative Council.

The House then resolved itself into a Committee of the Whole, *Mr. Wilson* in the chair, on the bill, for

the Legislative Council, entitled an act disposing of the ten sections of land granted by Congress for the purpose of building a house at the Seat of Government; and, after some time spent thereon,

On motion of Mr. *Menefee*, the committee rose and reported the said bill, without amendment.

Mr. *Manly* moved that the House *disagree* to the report of the Committee of the Whole; which motion was decided *out of order*.

Mr. *Manly* then moved to amend the bill, by striking out all after the word "Territory," in the 2d line of the 1st section, and inserting, in lieu thereof, the following preamble and bill, to wit:

WHEREAS, the Congress of the United States, by an act passed the 2d day of March, 1831, appropriated ten sections of land in the Territory of Arkansas, for the purpose of raising a fund to erect a Public Building at Little Rock, the Seat of Government of said Territory: And whereas, Chester Ashley has made a proposition, in writing, to the Legislature of the Territory aforesaid, offering, that, for and in consideration of the ten sections of land, that he will convey block number one hundred and one, in the town of Little Rock, in fee simple, for the use of the said Territory, and to erect thereon a building sixty-three feet in front by fifty feet in breadth, and two stories high, containing eight rooms, suitable for the use of the said Territory: And whereas, David G. Eller, a carpenter and master-builder, has estimated the cost of said building at the sum of Twelve Thousand Dollars, exclusive of the lots, and certain pavement proffered to be made by said Ashley; the value of said lots, and the cost of making the said pavement, will, it is believed, amount to the farther sum of Fifteen Hundred Dollars: And whereas, the said Ashley has offered to enter into a bond, with good and sufficient security, in the penalty of Fifty Thousand Dollars for the faithful performance of his said engagement: Therefore—

Section 1. *Be it enacted by the General Assembly of the Territory of Arkansas*, That Chester Ashley be, and he is hereby, appointed a commissioner, with full power to locate the ten sections of land donated by the Congress of the United States to the Territory of Arkansas, for the purpose of building a house at the Seat of Government, for the use of the General Assembly, by an act passed the 2d day of March, 1831.

Sec. 2. *And be it further enacted*, That it shall be lawful for the said Chester Ashley, to locate said lands in quantities

not less than one quarter section, agreeable to the legal surveys of the United States, and under the provisions said act of Congress aforesaid, subject, however, to the limitations and restrictions contained in an act of Congress, entitled "An act restricting the location of certain land claims in the Territory of Arkansas, and for other purposes," approved 6th of January, 1829.

Sec. 3. *And be it further enacted,* That, on the passage of this act, in case the said Ashley shall convey, by deed, in fee simple, duly executed, and approved as being in due form of law, by the present General Assembly, block number one hundred and one, in the town of Little Rock; and in case the said Ashley, as principal, and Joseph Henderson, William E. Woodruff, Benjamin Johnson, Ambrose H. Sevier, Richard C. Byrd, Robert A. Watkins, and Elias Rector, as his securities, shall execute their bond, in the penal sum of Fifty Thousand Dollars, to the Governor of the Territory of Arkansas, and his successors in office, for the use and benefit of the people of the Territory of Arkansas, conditioned to well and truly comply with the proposals made by Chester Ashley to the General Assembly, at their present session, for the erection and completion of a building for the use of said Territory, agreeable to, and in conformity with, said proposal; then, and in the event of the said Ashley's complying in both respects, the said ten sections of land, so donated as aforesaid, shall vest in the said Chester Ashley, his heirs and assigns, in fee simple, as fully as the said ten sections of land, as aforesaid, is now vested in the Territory of Arkansas, by an act of Congress, entitled "An act granting a quantity of land to the Territory of Arkansas, for the erection of a Public Building at the Seat of Government of said Territory," approved 2d March, 1831.

Sec. 4. *And be it further enacted,* That it shall be, and is hereby, made the duty of the Governor of the Territory of Arkansas, for the time being, or his successors in office, to issue warrants, under the seal of the Territory, for the said land, in such quantities as said Ashley shall require, not less than one quarter section, for each warrant, to the said Chester Ashley, and to his heirs and assigns; which warrants, so issued, shall authorize and entitle the said Ashley to locate said lands agreeable to the provisions of the said acts of Congress aforesaid, subject to the limitations and restrictions therein contained.

Sec. 5. *And be it further enacted,* That assignments made by said Ashley, on the warrants to be issued as aforesaid, shall enable the assignee to locate the number of acres designated in said warrants, of the lands of the United States,

agreeable to the provisions of said acts of Congress, confined by the limitations and restrictions aforesaid, as fully as the said Chester Ashley could by virtue of this act. This act to take effect, and be in force, from and after its passage.

And the question on the amendment being taken, it was decided in the *negative*, by yeas and nays, as follows:

Yeas.—Messrs. Brown, Crutchfield, Fillingim, Manly, Ruth-erford, Scott of Hempstead, Talbot, Wilson, and Wolf.—9.

Nays.—Messrs. Calvert, Clark, Gibson, Hanks, Holland, Hudspeth, Livingston, Magness, Menefee, Pope, Scott of Pope, Smith, Stilwell, Whinnery, and Mr. Speaker.—15.

The question then being taken on the final passage of the bill, it was decided in the *affirmative*, by yeas and nays, as follows:

Yeas.—Messrs. Calvert, Clark, Gibson, Holland, Hanks, Hudspeth, Livingston, Magness, Menefee, Pope, Scott of Pope, Smith, Stilwell, Whinnery, and Mr. Speaker.—15.

Nays.—Messrs. Brown, Crutchfield, Fillingim, Manly, Ruth-erford, Scott of Hempstead, Talbot, Wilson, and Wolf.—9.

The House again resolved itself into a Committee of the Whole, Mr. Scott of Pope in the chair, on the bill, entitled an act giving to Jurors that discretionary power in criminal cases heretofore given to Circuit Courts; and, after some time spent thereon, the committee rose, reported the bill, with sundry amendments, which were concurred in by the House, and the bill,

On motion of Mr. Wilson, was ordered to be engrossed and read a third time to-morrow.

And the House adjourned.

LEGISLATIVE COUNCIL.

Tuesday, October 18, 1831.

Mr. Sinclear, from the Committee on Memorials, reported a memorial to the Congress of the United States for a road from Jefferson Barracks, in the State of Missouri, by Fort Smith, to the vicinity of Old Fort Towson, on Red river; which was read a first time and ordered to a second reading; and

On motion of Mr. Farrelly, the rules of the Legislative Council were dispensed with, the said memorial read a second and third time and PASSED; and

Ordered, That Mr. Sinclear transmit the same to the House of Representatives, for their concurrence.

Mr. Lincecum, from the Committee on Memorials, reported a memorial to the Congress of the United States, for a further appropriation of \$20,000, to repair the road from a point opposite Memphis, (Tenn.) to Little Rock; which was read and re-committed to the Committee on Memorials.

Mr. Patton, from the Select Committee to whom was re-committed the resolution on the 8th section of the Revenue Law, and the report of the Committee of Ways and Means thereon, asked and obtained leave to report a bill, entitled an act to increase the County Revenue; which was read and passed to a second reading.

On motion of **Mr. McAmy**,

Resolved, That the Committee on the Judiciary be instructed to inquire whether any amendments are necessary to be made to the attachment laws of this Territory, and, if any, to report such amendments by bill.

Messages were received from the House of Representatives, informing the Council, that the House have passed the bill, entitled an act disposing of the ten sections of land granted by Congress, for the purpose of building a house at the Seat of Government; and, also, a bill, entitled an act for the removal and permanent location of the Seat of Justice for the county of Conway; which are herewith transmitted.

Mr. Douglass, from the Joint Committee on Enrollments, reported, that the said committee had examined the enrolled bill, entitled an act authorizing Frederick Fletcher to erect and keep a Toll Bridge across Point Remove creek, and had found the same correctly enrolled.

The President (**Mr. Caldwell**) asked and obtained leave of absence for this day; and **Mr. Witter** was called to the chair as President *pro tempore*.

The bill, entitled an act to revise, consolidate and amend the several acts relative to Justices of the Peace and Constables, was read a second time, and

On motion of **Mr. Ingram**, committed to a Committee of the Whole, and made the order of the day for to-morrow.

The bill, entitled an act to revive certain provisions of

an act entitled an act to erect and establish the county of Pope, was read a second time and ordered to a third reading to-morrow.

The engrossed bills, from the House of Representatives, entitled an act supplementary to an act to elect commissioners to locate the Seat of Justice for the county of Clark, approved November 21, 1829.—An act permanently to locate the Seat of Justice of Crittenden county;—and an act to authorize Emzy Wilson to erect a Toll Bridge across Palarm bayou—were severally read a second time and ordered to a third reading to-morrow.

The memorial, from the House of Representatives, to the President of the United States, for the removal of the troops stationed at Cantonment Gibson, to within the limits of this Territory, was read a second time, and the rules of the Legislative Council being dispensed with, was read a third time and PASSED, and

Ordered, That Mr. *Sinclear* transmit the same to the House of Representatives.

The bill, entitled an act authorizing the infant heirs of John Kepler, deceased, to convey a tract of land, was read a third time and PASSED, with the title aforesaid, striking out the words "A bill, entitled"; and

Ordered, That Mr. *Farrelly* transmit the same to the House of Representatives, for their concurrence.

The engrossed bill, from the House of Representatives, entitled an act to authorize the removal of the administration on the estate of Joseph Janes, deceased, from the county of Lafayette to the county of Clark, on motion of Mr. *Farrelly*, was amended by striking out the words "and required," in the 4th section and 21st line of the engrossed amendment; and

On motion of Mr. *Douglass*, amended by striking out the word "testamentary," in the 10th line of the preamble to the bill, and inserting in lieu thereof, the words "administration, with the will annexed"; and the bill was read a third time and PASSED, with the title amended by striking out the whole after the word "act," and inserting "to authorize the removal of the administrations on the estates of Joseph Janes and Joseph Kuykendall,

deceased, to the counties of Clark and Independence.

Ordered, That the amended bill be transmitted to the House of Representatives, for their concurrence.

A message from the House of Representatives, by *Mr. Hudspeth*.

Mr. President—I am instructed to inform your honorable body, that the House of Representatives have amended and passed the bill, from the Council, entitled an act supplementary to the laws now in force for the collection of taxes; and herewith transmit the same and request your concurrence in said amendments.

Which amendments were read and agreed to, and

Ordered, That *Mr. Collins* inform the House of Representatives thereof.

The engrossed bill, from the House of Representatives, entitled an act permanently to locate the Seat of Justice of the county of Chicot, was read a third time and PASSED.

Ordered, That *Mr. Lincecum* transmit the same to the House of Representatives.

The engrossed bill, from the House of Representatives, entitled an act for the relief of Chilo A. Moltier, was read a third time, and on the question, *Shall the bill pass?* the ayes and noes being called for, on motion of *Mr. Farrelly*, stood as follows, to wit:

Ayes.—Messrs. Bridges, Collins, Douglass, Hartfield, Ingram, Lincecum, McAmy, McKenzie, Orr, Patton, Pennington, Tidwell, Wells, and *Mr. President pro tem*.—14.

Noes.—Messrs. Boswell, Farrelly, and Wolf.—3.

And the bill PASSED; and

Ordered, That *Mr. Lincecum* transmit the same to the House of Representatives.

On motion of *Mr. Pennington*, the Legislative Council then resolved itself into a Committee of the Whole, *Mr. Hartfield* in the chair, on the bill, entitled an act to repeal an act entitled an act for the opening of a road leading from Washington, in Hempstead county, to Cote Fabre, in the county of Hempstead, passed the 21st November, 1839; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. Hartfield reported, that the committee had, according to order, had under consideration the said bill;

that they had gone through the same, and had instructed him to report the same, without amendment.

Which report was received and the committee discharged from the further consideration thereof; and the bill was ordered to be engrossed and read a third time to-morrow.

On motion of Mr. *Farrelly*, the Legislative Council then resolved itself into a Committee of the Whole, Mr. *McKenzie* in the chair, on the engrossed bill, from the House of Representatives, entitled an act to tax clock pedlars vending such articles within the limits of this Territory; and, after some time spent thereon, the committee rose, and the President having resumed the chair,

Mr. *McKenzie* reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the same, with amendments.

Which amendments were adopted, and the bill ordered to a third reading to-morrow.

On motion of Mr. *Sinclear*, the Legislative Council then resolved itself into a Committee of the Whole, Mr. *Ingram* in the chair, on the engrossed bill, from the House of Representatives, entitled an act amendatory of and supplementary to the act passed by the General Assembly of Arkansas Territory, October 22d, 1828, entitled an act further to regulate the payment of cost in criminal and penal cases; and, after some time spent thereon, the committee rose, and the President having resumed the chair,

Mr. *Ingram* reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the same, with an amendment, (striking out the first section, with the enacting clause.)

And the amendment was adopted and the bill *rejected*.

On motion of Mr. *Farrelly*, the Legislative Council then resolved itself into a Committee of the Whole, Mr. *Bridges* in the chair, on the engrossed bill, from the House of Representatives, entitled an act to prevent certain persons from giving evidence in this Territory; and

after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. *Bridges* reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the same, without amendment.

Which report was received and the committee discharged from the further consideration thereof.

And then, on motion of Mr. *Sinclear*, the bill was committed to a Select Committee, consisting of Messrs. *Sinclear*, *Farrelly*, and *Hughes*.

A message from the House of Representatives, by Mr. *Fillingim*.

Mr. *President*—I am instructed to inform your honorable body, that a bill, entitled an act for the relief of Edward Smith, has passed in the House of Representatives, with some amendments; which is herewith transmitted for your concurrence.

And then, on motion of Mr. *McAmy*, said amendments were *disagreed to*, and

Ordered, That Mr. *McKenzie* transmit the bill to the House of Representatives, and inform them thereof.

On motion, the Legislative Council then resolved itself into a Committee of the Whole, Mr. *Collins* in the chair, on the engrossed bill, from the House of Representatives, entitled an act regulating Attornies fees; and, after some time spent thereon, the committee rose, and the President having resumed the chair,

Mr. *Collins* reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the same, without amendment.

Which report was received and the committee discharged from the further consideration thereof.

And then, on motion on Mr. *McAmy*, the bill was re-committed to a Select Committee, consisting of Messrs. *McAmy*, *Patton*, and *Sinclear*.

Mr. *Boswell* offered the following resolution:

Resolved, by the Legislative Council, That, on Saturday next, (22d October) they will, by and with the concurrence of the House of Representatives, go into the election of Jus-

tices of the Peace; and the House of Representatives be requested to concur therein.

Which resolution was laid on the table.

On motion of Mr. *Tidwell*,

Resolved, That the Committee on Memorials be instructed to inquire into the expediency of memorializing Congress for an appropriation for opening a road from Strong's, in St. Francis county, through Jackson county, to Batesville.

And then, on motion of Mr. *Blount*, the Legislative Council adjourned.

HOUSE OF REPRESENTATIVES.

Mr. *Smith*, from the Committee on Enrolled Bills, reported, that the committee had examined the engrossed bill, entitled an act giving to Jurors that discretionary power in criminal cases heretofore given to the Judges of the Circuit Court, and found the same to be correctly engrossed.

Mr. *Brown*, from the Committee on Enrolled Bills, reported that the committee had examined the enrolled bill, entitled an act authorizing Frederick Fletcher to erect and keep a Toll Bridge across Point Remove creek, and found the same to be correctly enrolled.

Mr. *Manly*, from the Select Committee appointed to take under consideration the bill, entitled an act to locate the Seat of Justice in Jackson county, and for other purposes, reported, that the committee had, according to order, had the same under consideration, and agreed to report the following amendment, viz:

Strike out the whole of the first section, after the word "Arkansas," in the second line, and insert the following, to wit: That the legal voters of the county of Jackson shall assemble on the first Monday in January next, at the usual places of holding elections, for the purpose of electing commissioners to locate the permanent Seat of Justice for said county of Jackson; the elections of the several townships to be held under the direction of three Judges appointed by the Judge of the Circuit Court, and conducted and regulated as near as circumstances will admit, in the manner that elections are now regulated and conducted by law; the Judges and Clerks to be sworn to perform the duties as in general elections, and make return to the Clerks of the Circuit Court; and it shall be the duty of the Clerk to call to

his assistance two Justices of the Peace, to examine the poll books and grant to the commissioners elected certificates of their election.

Mr. Clark, from the Select Committee appointed to take under consideration the memorial to the Congress of the United States, praying a continuation of the road from Washington, Hempstead county, to Jackson, Lawrence county, from its northern extremity to Hicks' ferry, on the Current's river, and from its southern extremity to Fulton, on Red river, reported the following amendments, viz:

Strike out the word "south," in the last line of the first page, and insert in lieu thereof the word "west"; and in the first line of the 2d page, strike out the words "Fulton, on Red river," and insert the following words, viz: "The Sevier county line, by way of Tollett's bridge, on Mine creek."

Which amendments were concurred in by the House, and the memorial ordered to be engrossed for a third reading to-morrow.

Mr. Wilson, from the Select Committee appointed to take into consideration the bill, to be entitled an act supplementary to an act concerning Seminary Lands, reported the following bill, as a substitute, to wit:

A bill, to be entitled an act supplementary to an act relative to School Lands.

Which was accepted by the House, read a first time, and ordered to a second reading.

Mr. Brown, from the Select Committee to whom was referred the engrossed bill, entitled an act to define the time for electing all civil officers in this Territory, reported the following bill, as a substitute, viz: An act amendatory of the act entitled an act to define the time of electing all civil officers of this Territory, approved November 16, 1829; which was read a first time and ordered to a second reading.

Mr. Scott of Pope offered the following resolution:

Resolved, That the hour to which this House shall adjourn hereafter, shall be ten o'clock, instead of nine, in the morning of each day.

Which was adopted.

Mr. Crutchfield gave notice, that, on Thursday next,

he would ask leave to introduce a bill concerning civil proceedings at common law.

Mr. *Wilson* asked and obtained leave to introduce a bill, entitled an act supplementary to an act attaching a part of the country acquired from the Cherokees to the counties of Independence, Conway and Izard, to the county of Independence; which,

On motion of Mr. *Menefee*, was read and laid on the table.

The bill, entitled an act in amendment to an act concerning Gin holders in this Territory, was read a first time and ordered to a second reading.

The bill, from the Legislative Council, entitled an act concerning Strays, was read a second time, and

On motion of Mr. *Scott* of Pope, indefinitely postponed.

The bill, from the Legislative Council, entitled an act for the relief of Joseph Carnes, was read a second time, and

On motion of Mr. *Crutchfield*, committed to a Committee of the Whole, and made the order of the day for Wednesday next.

The bill, to be entitled an act to regulate the Practice of Physic, was read a second time, and

On motion of Mr. *Crutchfield*, committed to a Committee of the Whole, and made the order of the day for Wednesday next.

The bill, to be entitled an act supplementary to the several laws now in force concerning roads and highways, was read a second time, and

On motion of Mr. *Wilson*, made the order of the day for Wednesday next, in Committee of the Whole.

The bill, to be entitled an act defining the qualifications of electors in the Territory of Arkansas, was read a second time, and

On motion of Mr. *Scott* of Pope, made the order of the day for Thursday next, in Committee of the Whole.

The bill, to be entitled an act to enable judgment creditors to collect their debts with more facility, was read a second time, and

On motion of Mr. *Wolf*, committed to a Committee of

the Whole, and made the order of the day for Wednesday.

The bill to exempt old men from the payment of a poll tax, was read a second time, and

On motion of Mr. *Crutchfield*, indefinitely postponed.

The bill, to be entitled an act to authorize William Lockhart to erect and build a Toll Bridge across the Saline river, was read a second time, and

On motion of Mr. *Scott of Pope*, made the order of the day for Wednesday next, in Committee of the Whole.

The bill, to be entitled an act to levy a tax in the county of Lawrence, for the purpose of building a jail in said county, was read a second time, and

On motion of Mr. *Hudspeth*, committed to a Committee of the Whole, and made the order of the day for Wednesday next.

The engrossed bill, from the Legislative Council, entitled an act supplementary to the laws now in force for the collection of taxes, was read a third time, amended, PASSED, and sent to the Legislative Council for concurrence in the amendments.

The bill, entitled an act permanently to locate the Seat of Justice of the county of Conway, was taken up, and

On motion of Mr. *Brown*, the House then resolved itself into a Committee of the Whole on said bill; and, after some time spent thereon,

On motion of Mr. *Menefee*, the committee rose, reported the bill without amendment, and the bill was read a third time, and the question being taken on the final passage of the bill, it was decided in the affirmative, by yeas and nays, as follows, (Mr. *Menefee* being excused from voting):

Yeas.—Messrs. Calvert, Clark, Gibson, Holland, Hanks, Livingston, Pope, Scott of Pope, Wolf, Whinnery, and Mr. Speaker.—11.

Nays.—Messrs. Brown, Crutchfield, Fillingim, Hudspeth, Magness, Manly, Scott of Hempstead, Stilwell, Talbot, and Wilson.—10.

Message from the Legislative Council, by Mr. *Sinclear*.

Mr. *Speaker*—I am instructed to inform you, that the Legislative Council have passed a memorial to the President of the United States, praying the removal of the troops from

Cantonment Gibson to or near Fort Smith; which is herewith returned to the House of Representatives.

Message from the Legislative Council, by Mr. Collins.

Mr. Speaker—I am instructed to inform you, that the Legislative Council have agreed to the amendments made by the House of Representatives, in an act supplementary to the laws now in force for the collection of taxes.

Messages were also received from the Legislative Council; informing the House, that the Council have passed bills of the following titles: An act for the relief of Chilo A. Moltier; and an act to locate the Seat of Justice of the county of Chicot;—which are herewith returned to the House of Representatives. Also, a bill, entitled an act authorizing the infant heirs of John Kepler, deceased, to convey a tract of land; which is herewith transmitted for your concurrence.

On motion of Mr. Hanks, the House then resolved itself into a Committee of the Whole, Mr. Hudspeth in the chair, on the bill, from the Legislative Council, entitled an act for the relief of Edward Smith; and, after some time spent thereon, the committee rose and reported the bill, with sundry amendments, which were concurred in by the House; and the bill was then read a third time and PASSED.

The House then resolved itself into a Committee of the Whole, on motion of Mr. Whinnery, on the bill, entitled an act to abolish imprisonment for debt, Mr. Clark in the chair; and, after some time spent thereon, the committee, on motion of Mr. Brown, rose and reported the bill, without amendment.

Mr. Wilson moved to postpone the bill indefinitely; and the question thereon being taken, it was decided in the negative, by yeas and nays, as follows:

Yeas.—Messrs. Brown, Crutchfield, Fillingim, Hanks, Manly, Scott of Hempstead, Scott of Pope, Smith, Talbot, and Wilson.—10.

Nays.—Messrs. Calvert, Clark, Gibson, Holland, Hudspeth, Livingston, Magness, Menefee, Pope, Rutherford, Stilwell, Whinnery, Wolf, and Mr. Speaker.—14.

The bill was then, on motion of Mr. Scott of Pope, re-committed to the Committee of the Whole, and made the order of the day for Wednesday next.

Message from the Legislative Council, by Mr. McKenzie:

Mr. Speaker—I am instructed to inform you, that the Legislative Council disagree to the amendments proposed by the House of Representatives, in a bill, entitled an act for the relief of Edward Smith; and ask that you will concur in the rejection of the amendments;—which bill is herewith transmitted.

Mr. Manly moved that the House insist upon the amendments to said bill; which motion was agreed to, and a Committee of Conference was requested.

On motion, the House adjourned.

LEGISLATIVE COUNCIL.

Wednesday, October 19, 1831.

Mr. Linceum, from the Committee on Memorials, to which was re-committed a memorial to the Congress of the United States, for a further appropriation of \$20,000, to repair the road from a point opposite Memphis, (Tenn.) to Little Rock, reported the same, with amendments; which were adopted, and the memorial ordered to be engrossed and read a third time to-morrow.

Mr. Douglass, from the Joint Committee on Enrolments, reported, that the said committee had examined the following enrolled bills, to wit: An act disposing of the ten sections of land granted by Congress, for the purpose of building a house at the Seat of Government.—An act to alter and establish permanently the boundary line between the counties of St. Francis and Crittenden.—An act permanently to locate the Seat of Justice of the county of Chicot.—A memorial to the President of the United States, praying to remove the troops stationed at Cantonment Gibson. And had found the same truly enrolled.

Mr. Douglass also reported, that the committee had found in the act to alter and establish permanently the boundary line between the counties of St. Francis and Crittenden, what they deemed an important defect in the original bill, to wit: *that a part of the enacting clause had been omitted.*

Mr. McAmy, from the Select Committee to which had been re-committed an engrossed bill, from the House of

Representatives, entitled an act to regulate Attornies fees, reported the same, without amendment; and the bill was read a third time, **PASSED**, and

Ordered, That Mr. *Sinclear* transmit the same to the House of Representatives.

A message from the House of Representatives, by Mr. *Gibson*.

Mr. President—I am instructed to inform your honorable body, that the House of Representatives insist on the amendments made to the bill, entitled an act for the relief of Edward Smith; and that Messrs. *Wilson*, *Smith*, and *Manly*, have been appointed a Committee of Conference, on the part of the House of Representatives, to meet such committee as may be appointed on the part of the Legislative Council; the appointment of which committee is respectfully requested.

Ordered, That Messrs. *Orr*, *McKenzie*, and *Bridges*, be appointed on said committee, on the part of the Legislative Council; and that Mr. *Bridges* inform the House of Representatives thereof.

Mr. *Witter*, from the Select Committee to which was committed a bill, entitled an act regulating writs of certiorari, reported in lieu thereof, as a substitute for the whole bill, by way of an amendment, entitled an act to repeal the several acts now in force in this Territory, concerning writs of certiorari, and for other purposes; which amendment was adopted, and the bill read a third time and **PASSED**.

Ordered, That Mr. *Witter* transmit the same to the House of Representatives, and ask their concurrence therein.

Mr. *Sinclear*, from the Select Committee to which was committed an engrossed bill, from the House of Representatives, entitled an act to prevent certain persons from giving evidence in this Territory, reported the same, with an amendment; which amendment was adopted and ordered to be engrossed, and the bill read a third time to-morrow.

Mr. *Collins*, from the Select Committee to which was referred the petition of sundry citizens of Clark and Hempstead counties, praying the establishment of a new county, reported a bill, entitled an act to erect and establish the county of ; which was read the first time and ordered to a second reading.

Messages were received from the House of Representatives, informing the Council, that a bill, entitled an act for the relief of Richard C. Byrd, has been introduced into the House of Representatives. Also, that the House have agreed to the amendments made to the bill, entitled an act to authorize the removal of the administration on the estate of Joseph Janes, deceased, from the county of Lafayette to the county of Clark. Also, that the House have passed the following bills, to wit: An act giving to Jurors that discretionary power in criminal cases heretofore given to the Judges of the Circuit Courts; which was read a first time and ordered to a second reading.—A bill, entitled an act to locate the Seat of Justice in Jackson county, and for other purposes, with some amendments; which amendments were agreed to, and Mr. *Patton* appointed to inform the House of Representatives thereof.—A bill, entitled an act to authorize William Lockhart to erect and build a Toll Bridge across the Saline river, with the amendments attached thereto; which bill was taken up, read a first time and ordered to a second reading.—And said bills were sent to the Legislative Council for concurrence. Also, that the House of Representatives have concurred with the Legislative Council in the passage of the bill, entitled an act for the relief of Joseph Carnes; which is herewith returned.

Mr. *Wolf*, from the Select Committee to which was committed the bill, entitled an act better to designate the line between the counties of Izard and Washington, and for other purposes, —reported, by way of amendment, a substitute in lieu of the whole bill; which amendment was read and adopted, and the bill ordered to be engrossed and read a third time to-morrow.

Mr. *McKenzie*, from the Committee on Memorials, made the following

REPORT:

The Committee on Memorials, to whom was referred sundry resolutions of the Legislative Council, according to order, have had the same under consideration, and beg leave to submit the following as their opinion in relation to the subjects generally to them referred.

The first object of your committee, upon entering on the duties assigned them, was to consider whether it was expedient to send *memorials* to Congress upon all the various subjects to which their attention was called; and, after mature reflection, have arrived at the conclusion, that, at the present session of the General Assembly, it is inexpedient.

Your committee, in making a selection of subjects to recommend, have taken into view the geographical situation of the Territory, and are of opinion, that the benefits to be derived from public improvements, by the General Government, should be as equally and equitably diffused throughout the Territory, as may be found practicable.

Under existing circumstances, the committee concur in the opinion, that the true interest of the Territory, as well as the interest of the General Government, would be more effectually promoted, by opening new roads, and the reparation of those heretofore established, than by opening and improving the navigation of bayous and rivers. An important advantage, as your committee believe, would result from opening of roads from the exterior of the Territory to the interior, thereby giving emigrants an opportunity of locating themselves in any part or section of the Territory, which they may prefer. With this view of the subject, the committee beg leave to recommend for the consideration of the Legislative Council, the expediency of memorializing Congress on the following important subjects, viz:

1. For an appropriation to compensate the Agents employed in selecting the Seminary Lands.
2. For an appropriation to repair the Military Road from Memphis to Little Rock.
3. An appropriation to erect a Hospital at the Hot Springs.
4. For the relief of innocent purchasers of Spanish confirmations.
5. For an appropriation to open a road connecting the Military Road from Memphis to Little Rock, with the road from the town of Jackson to Washington, to pass through the county of Jackson, beginning at Strong's.

A majority of your committee deem it *inexpedient* to send memorials to Congress on the following subjects, to wit:

1. For an appropriation to open a road from Randolph to Batesville.
2. For an appropriation for clearing the obstructions to the navigation of the bayou Barthelemi.
3. For an appropriation to repair the road from Natchitoches, (La.) via Washington, to Cantonment Gibson.
4. For an appropriation to repair the Military Road from Little Rock to Fort Smith.
5. For an appropriation to improve the navigation of White river.

6. For an appropriation to open the navigation of the bayou Saline and Little Missonri.

7. For the establishment of a third Land District.

8. For an appropriation to open a road from Monroe, (La.) to Clark C. H.

And ask to be discharged from a further consideration thereof.

Which report was laid on the table.

Mr. *Hartfield*, from the Select Committee to which was committed the engrossed bill, from the House of Representatives, entitled an act permanently to locate the Seat of Justice in the county of Sevier, and appointing trustees for the same, reported the same, with amendments; which were adopted and ordered to be engrossed, and the bill read a third time to-morrow.

Mr. *Pennington* asked and obtained leave to introduce a bill, entitled an act supplementary to an act permanently to locate the Seat of Justice for the county of Union, approved November 2d, 1829; which was read the first time and ordered to a second reading.

Mr. *Hartfield* asked and obtained leave to introduce a bill, entitled an act regulating the fees of Sheriffs, for taking the Territorial census; which was read the first time and ordered to a second reading.

The bill, entitled an act to increase the County Revenue, was read a second time, and

On motion of Mr. *Wolf*, committed to a Committee of the Whole, and made the order of the day for to-morrow.

The engrossed bill, entitled an act to repeal an act entitled an act for opening a road from Washington, in Hempstead county, to Cote Fabre, in the county of Hempstead, passed the 21st November, 1829, was read a third time and PASSED, with the title aforesaid, striking out the words "A bill, entitled," and inserting "Union," in lieu of the word "Hempstead," before the word "passed."

Ordered, That Mr. *Pennington* transmit the same to the House of Representatives for their concurrence.

The engrossed bill, entitled an act supplementary to the several laws concerning roads; and the bill, entitled an act to revive certain provisions of an act entitled an act to

erect and establish the county of Pope—were severally read a third time and **PASSED**, with their titles aforesaid, striking out the words “A bill, entitled”; and

Ordered, That Mr. *Pennington* transmit said bills to the House of Representatives for their concurrence.

The engrossed bills, from the House of Representatives, entitled as follows, to wit: An act to tax clock pedlars vending such articles within the limits of this Territory, with amendments.—An act supplementary to an act to elect commissioners to locate the Seat of Justice for the county of Clark, approved November 21, 1829.—An act permanently to locate the Seat of Justice of Crittenden county;—and an act to authorize Emzy Wilson to erect a Toll Bridge across Palarm bayou—were severally read a third time and **PASSED**.

Ordered, That Mr. *Collins* transmit said bills to the House of Representatives, and ask their concurrence to the amendments to the one first mentioned.

On motion of Mr. *Boswell*, the Legislative Council then resolved itself into a Committee of the Whole, Mr. *Tidwell* in the chair, on the engrossed bill, from the House of Representatives, entitled an act to extend the power and enlarge the duties of Coroners; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. *Tidwell* reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the same, with an amendment, (striking out the first section, with the enacting clause.)

Which amendment was adopted and the bill *rejected*.

On motion of Mr. *Blount*, the Legislative Council then resolved itself into a Committee of the Whole, Mr. *Hackett* in the chair, on the bill, entitled an act to revise, consolidate and amend the several acts relative to Justices of the Peace and Constables; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. *Hackett* reported, that the committee had, according to order, had under consideration the said bill;

that they had gone through the same, and had instructed him to report the same, with an amendment, (striking out the first section, with the enacting clause.)

Which amendment was adopted and the bill *rejected*.

The yeas and nays, on motion of Mr. *McAmy*, were called for on the adoption of said amendment, and stood as follows, to wit:

Yeas.—Messrs. Boswell, Farrelly, Hackett, Hughes, McKenzie, Orr, Patton, Pennington, Sinclear, Wolf, and Mr. President.—11.

Nays.—Messrs. Blount, Bridges, Collins, Douglass, Ingram, Lincecum, *McAmy*, Tidwell, Wells, and Witter.—10.

And then, on motion of Mr. *Pennington*, the Legislative Council adjourned.

HOUSE OF REPRESENTATIVES.

Mr. *Menefee* presented a petition from sundry citizens of Hot Spring county, concerning depredations made, at certain seasons of the year, upon the game of that country; which,

On motion of Mr. *Crutchfield*, was committed to a Select Committee, and Messrs. *Crutchfield*, *Magness* and *Menefee*, were appointed that committee.

Messrs. *Wilson*, *Smith*, , were appointed a Committee of Conference, on the part of this House, on the bill for the relief of Edward Smith.

Mr. *Crutchfield*, from the Select Committee to whom was referred the petition of Richard C. Byrd, made the following

REPORT:

The Select Committee to whom was referred the petition of Richard C. Byrd, have had the subject thereof under their consideration, and are well satisfied and convinced from the evidence adduced to them, that the said Byrd paid to the Post-master at Little Rock, for postage on tax lists and clerks' certificates, the sum of forty-four dollars, as stated in said petition; and the only question now remaining for your committee to investigate is the legality and justness of an appropriation by this General Assembly to repay the said Byrd the money he has thus expended. After further examination of this subject, your committee have arrived at the conclusion, that there is no existing provision in our law making it the duty of the Auditor to pay postage on communications addressed to him through the Post-office, convey-

ing tax lists and clerks certificates; and as the money expended by the said Byrd in this way has been for the use of the Territory, they are of opinion that said Byrd is entitled to remuneration at the hands of the Legislature.

Your committee therefore beg leave to introduce the following bill, which is agreeable to the views expressed in the foregoing report, to wit: A bill, to be entitled an act for the relief of Richard C. Byrd.

Which was read and ordered to a second reading.

The bill, from the Legislative Council, entitled an act to locate the Seat of Justice for Jackson county, and for other purposes, was, on motion of Mr. *Manly*, taken up, the amendment made by the Legislative Council concurred in, the amendment read a first and second time, and the bill read a third time and PASSED.

Mr. *Brown*, from the Joint Committee on Enrolled Bills, reported, that the committee had examined bills of the following titles, and found the same to be correctly enrolled, to wit: An act permanently to locate the Seat of Justice in the county of Chicot.—An act disposing of the ten sections of land granted by Congress for the purpose of building a house at the Seat of Government.—An act to alter and establish permanently the boundary line between the counties of St. Francis and Crittenden; which is correctly enrolled, but has no enacting clause. Also, a memorial to the President of the United States, praying the removal of the troops now stationed at Cantonment Gibson to or near Fort Smith; and found the same to be correctly enrolled.

Mr. *Livingston* gave notice, that, on Thursday next, he would ask leave to introduce a bill, to be entitled an act to fix the rate of interest on notes and obligations.

Mr. *Crutchfield* offered the following resolution:

Resolved, That a committee be appointed to examine all bills engrossed in this House.

Which was adopted; and Messrs. *Manly* and *Hudspeth* were appointed that committee.

The bill, from the Legislative Council, entitled an act to authorize the infant heirs of Kepler, deceased, to convey a tract of land, was read a first time and ordered to a second reading.

Mr. Calvert gave notice, that, on to-morrow, he would ask leave to introduce a bill to regulate the fees of civil officers.

Messages were received from the Legislative Council, informing the House of Representatives, that the Council have, in conformity with the request of the House, appointed Messrs. Orr, McKenzie, and Bridges, a committee on their part, to confer with the committee appointed on the part of the House, on the amendments made in the House, on the bill from the Council, entitled an act for the relief of Edward Smith. Also, that the Council have passed the bill, from the House, entitled an act to authorize the removal of the administration on the estate of Joseph Janes, deceased, from the county of Lafayette to the county of Clark, with some amendments; and that they have also passed a memorial to the Congress of the United States, for a road from Jefferson Barracks, in the State of Missouri, by Fort Smith, to the vicinity of Old Fort Towson, on Red river; both of which are herewith sent for your concurrence;—and the said memorial was then read a first time. Also, that the Council have passed a bill, from the House, entitled an act to regulate Attornies fees; and the same is herewith returned. Also, that a bill, to be entitled an act regulating the fees of Sheriffs, for taking the Territorial census, and a bill, to be entitled an act for the erection of a new county out of a part of the counties of Clark and Hempstead, have been introduced in the Council. Also, that the Council have concurred in the amendments proposed by the House to a bill, entitled an act to locate the Seat of Justice in Jackson county. Also, that the Council have passed bills of the following titles, to wit: An act supplementary to the several laws concerning roads.—An act to revive certain provisions of an act entitled an act to erect and establish the county of Pope.—An act to repeal an act entitled an act for the opening of a road leading from Washington, in Hempstead county, to Cote Fabre, in the county of Union, passed the 21st of November, 1829; which several bills are herewith transmitted for your concur-

rence;—and said bills were severally read a first time and ordered to a second reading. Also, that the Council have passed bills, from the House, of the following titles, to wit: An act supplementary to an act to elect commissioners to locate the Seat of Justice for the county of Clark, approved November 21st, 1829.—An act to authorize Emzy Wilson to build a Toll Bridge across Palarm bayou.—An act permanently to locate the Seat of Justice of Crittenden county.—An act to tax clock pedlars, with some amendments;—which bills are herewith returned, and your concurrence asked to the amendments of the latter; and

On motion of Mr. *Manly*, the House agreed to the proposed amendments to said bill.

Mr. *Wilson* moved that the House agree to the amendments made to the bill, entitled an act authorizing the removal of the administration on the estate of Joseph Janes, deceased, from the county of Lafayette to the county of Clark; and the said amendments were agreed to.

The bill, to be entitled an act to define the time of electing all civil officers, was read a second time, and ordered to be engrossed and read a third time to-morrow.

The bill, to be entitled an act supplementary to an act relative to School Lands, was read a second time, and

On motion of Mr. *Wilson*, committed to a Committee of the Whole, and made the order of the day for Thursday next.

The bill, from the Legislative Council, entitled an act in amendment to an act concerning Gin holders in this Territory, was read a second time, and

On motion of Mr. *Manly*, indefinitely postponed.

The bill, to be entitled an act giving to Jurors that discretionary power in criminal cases heretofore given to Circuit Courts, was read a third time and PASSED.

On motion of Mr. *Manly*, the House then resolved itself into a Committee of the Whole, Mr. *Smith* in the chair, on the bill, entitled an act for the relief of Joseph Carnes; and, after some time spent thereon, the committee rose, on motion of Mr. *Clark*, and reported the

bill, without amendment, and the bill was then read a third time and PASSED.

On motion of Mr. *Clark*, the House then resolved itself into a Committee of the Whole, Mr. *Hudspeth* in the chair, on the bill, entitled an act to authorize William Lockert to build a Toll Bridge across the Saline river; and, after some time spent thereon, on motion of Mr. *Rutherford*, the committee rose and reported the bill, with an amendment, which was concurred in by the House, and the bill was then read a third time and PASSED.

On motion of Mr. *Hudspeth*, the House then resolved itself into a Committee of the Whole, on the bill, entitled an act concerning roads and highways, Mr. *Scott* of Pope in the chair; and, after some time spent thereon, the committee rose and reported the bill, with sundry amendments, which were agreed to by the House, and

On motion of Mr. *Manly*, twenty-five copies of the bill were ordered to be printed.

On motion of Mr. *Manly*, the House then resolved itself into a Committee of the Whole, Mr. *Crutchfield* in the chair, on the bill, entitled an act to regulate the Practice of Physic; and, after some time spent thereon, the committee rose and reported the bill, with sundry amendments, which were concurred in by the House, and the bill was ordered to be engrossed for a third reading.

And, on motion, the House adjourned.

LEGISLATIVE COUNCIL.

Thursday, October 20, 1831.

Mr. *Douglass*, from the Joint Committee on Enrolments, reported, that the said committee had examined the following bills, - to wit: An act supplementary to the laws now in force for the collection of taxes; also, an act for the removal and permanent location of the Seat of Justice for the county of Conway;—and had found the same correctly engrossed.

Mr. *Collins*, from the Committee on Memorials, reported a memorial to the Congress of the United States, for the relief of innocent purchasers of French and Spanish confirmations; which was read and re-committed to

a Select Committee, consisting of Messrs. *Bridges*, *Collins*, and *Boswell*.

Mr. *Orr*, from the Committee of Conference, appointed on the part of the Legislative Council, upon the amendments of the House of Representatives, to the bill, entitled an act for the relief of Edward Smith, reported that the committee had performed that duty, and had agreed to said amendments, with the following modification, to wit: To amend the second amendment, in the ninth line, by striking out the word "bill," and inserting in lieu thereof the word "act"; which report was agreed to, and

Ordered, That Mr. *Orr* inform the House of Representatives thereof.

Mr. *Lincecum*, from the Select Committee to which was committed the bill, entitled an act further to regulate the collection of Small Debts, reported the same, without amendment; which report was received, the bill read a third time, and the question, *Shall the bill pass?* was decided in the negative, and the bill *rejected*.

Mr. *Bridges* asked and obtained leave to introduce a bill, entitled an act to erect and establish the county of _____; which was read the first time and ordered to a second reading.

On motion of Mr. *Boswell*, the bill, entitled an act supplementary to an act providing for the election of all civil officers of this Territory, prescribing their duties, oaths and emoluments, and the manner and time of holding elections, and for other purposes, approved November 16th, 1829, was taken up, amended, and

On motion of Mr. *Boswell*, ordered to be engrossed and read a third time to-morrow.

Messages were received from the House of Representatives, informing the Legislative Council, that the House have passed the following bills, to wit: A bill, to be entitled an act to repeal an act entitled an act for the opening of a road leading from Washington, in Hempstead county, to Cote Fabre, in the county of Union, passed 21st Nov. 1829. Also, the bill, from the Council, entitled an act to revive certain provisions of an act enti

passed an act to erect and establish the county of Pope; which is herewith returned to the Council. Also, a bill, entitled an act to regulate the Practice of Medicine and Surgery; and herewith transmit the same for your concurrence;—which bill was taken up, read the first time and ordered to a second reading. Also, that the House have passed a memorial to the Congress of the United States, to extend the road (from Jackson to Washington) from Sevier county to Hicks' ferry; and herewith send the same for your concurrence;—which memorial was read the first time and ordered to a second reading.

The engrossed bills, from the House of Representatives, entitled an act giving to Jurors that discretionary power in criminal cases heretofore given to the Judges of the Circuit Courts; and an act to authorize William Lockhart to erect and build a Toll Bridge across the Saline river—were severally read a second time, committed to a Committee of the Whole, and made the order of the day for to-morrow.

The bill, entitled an act to erect and establish the county of _____, was read a second time, committed to a Committee of the Whole, and made the order of the day for Saturday next.

The bill, entitled an act supplementary to an act permanently to locate the Seat of Justice for the county of Union, approved November 2d, 1829, was read a second time, and ordered to be engrossed and read a third time to-morrow.

The bill, entitled an act regulating the fees of Sheriffs, for taking the Territorial census, was read a second time, committed to a Committee of the Whole, and made the order of the day for to-morrow.

The engrossed bills, from the House of Representatives, entitled an act to prevent certain persons from giving evidence in this Territory, with an amendment; and an act permanently to fix the Seat of Justice in the county of Sevier, and appointing trustees for the same, with amendments—were severally read the third time and PASSED.

Ordered, That said bills be returned to the House of Re-

presentatives, and their concurrence asked to the several amendments to the same.

The engrossed bill, entitled an act better to designate the line between the counties of Izard and Washington, and for other purposes, was read the third time and PASSED, with the title aforesaid, striking out the words "engrossed bill."

Ordered, That the same be sent to the House of Representatives for their concurrence.

The engrossed memorial to the Congress of the United States, for a further appropriation of \$20,000, to repair the road from a point opposite Memphis, (Tenn.) to Little Rock, was read the third time and PASSED.

Ordered, That the same be transmitted to the House of Representatives for their concurrence.

On motion of Mr. *Sinclear*, the Legislative Council then resolved itself into a Committee of the Whole, Mr. *Wells* in the chair, on the bill, entitled an act to increase the County Revenue; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. *Wells* reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the same, without amendment; which report was received and the committee discharged from the further consideration thereof; and then,

On motion of Mr. *Blount*, said bill was ordered to be engrossed for a third reading to-morrow.

Mr. *Sinclear* asked and obtained leave to introduce a bill, entitled an act further to regulate the duties of executors and administrators; which was read the first time and ordered to a second reading.

And then, on motion of Mr. *Farrelly*, the Legislative Council adjourned.

HOUSE OF REPRESENTATIVES.

Mr. *Smith*, from the Committee on Enrolled Bills, reported, that the committee had examined the following acts, and found them to be correctly enrolled, to wit: An act for the removal and permanent location of

the Seat of Justice for the county of Conway; and an act supplementary to the laws now in force for the collection of taxes.

Mr. *Smith*, from the Committée of Conference to whom was referred the bill, entitled an act for the relief of Edward Smith, reported, that the committee had had the same under consideration, and agree to the amendments of the House of Representatives, with the following modification: To amend the second amendment in the ninth line, by striking out the word "bill," and inserting the word "act" in lieu thereof.

Mr. *Menefee*, from the Select Committee appointed to take into consideration the petition of sundry citizens of Hot Spring county, reported a bill, to be entitled an act to prevent the killing of deer at certain seasons of the year.

The House were informed, by messages from the Council, that the Council have passed a bill, entitled an act to repeal the several acts now in force in this Territory, concerning writs of certiorari, and for other purposes; which was transmitted and the concurrence of the House respectfully asked. Also, that the Council have agreed to the report of the Joint Committee of Conference on the bill, entitled an act for the relief of Edward Smith.

Mr. *Clark* gave notice, that, on Saturday next, he would ask leave to introduce a memorial to the Congress of the United States, praying a donation of land within a certain distance of our western frontier.

Mr. *Livingston*, pursuant to notice previously given, asked and obtained leave to introduce a bill, to be entitled an act to fix the rate of interest on notes and obligations; which was read a first time and ordered to a second reading.

Mr. *Calvert*, pursuant to notice previously given, asked and obtained leave to introduce a bill, to be entitled an act to regulate the fees of civil officers; which was read a first time and ordered to a second reading.

Mr. *Manly* gave notice, that, on Monday next, he would ask leave to introduce a bill, to be entitled an act to call in the Territorial scrip now in circulation,

and restrict the issuing of the same, and for other purposes.

Mr. *Whinnery* gave notice, that, on to-morrow, he would ask leave to introduce a bill to extend the power of Constables.

Mr. *Crutchfield*, pursuant to notice previously given, asked and obtained leave to introduce a bill, to be entitled an act regulating civil proceedings at common law; which was read a first time and ordered to a second reading.

The bill, from the Legislative Council, entitled an act to repeal the several acts now in force in this Territory, concerning writs of certiorari, and for other purposes, was read a first time and ordered to a second reading.

The bill, from the Legislative Council, entitled an act to repeal an act entitled an act for the opening of a road leading from Washington, in Hempstead county, to Cote Fabre, in the county of Union, passed the 21st November, 1829, was read a second time, and

On motion of Mr. *Wilson*, the rules of the House were dispensed with, and the bill read a third time and PASSED.

The bill, to be entitled an act supplementary to the several laws concerning roads, was read a second time, and

On motion of Mr. *Brown*, laid upon the table.

The bill, from the Legislative Council, entitled an act to revive certain provisions of an act entitled an act to erect and establish the county of Pope, was read a second time, and

On motion of Mr. *Scott* of Pope, the rules of the House were dispensed with, and the bill read a third time and PASSED.

The memorial, from the Legislative Council, praying for an appropriation for a road from Jefferson Barracks to or near Old Fort Towson, was read a second time, and

On motion of Mr. *Clark*, referred to a Select Committee, and Messrs. *Clark*, *Rutherford*, and *Whinnery*, were appointed that committee.

The bill, from the Legislative Council, entitled an act to authorize the infant heirs of John Kepler, deceased, to convey a tract of land, was read a second time, and ordered to a third reading.

The bill, to be entitled an act for the relief of Richard C. Byrd, Auditor of this Territory, was read a second time, and ordered to be committed to a Committee of the Whole, on motion of Mr. *Crutchfield*, and made the order of the day for Friday.

The bill, to be entitled an act amendatory of an act entitled an act to define the time of electing all civil officers of this Territory, approved November 26th, 1829, was read a third time and ordered to be re-committed to the Select Committee which reported the bill.

The bill, entitled an act to regulate the Practice of Medicine and Surgery, was read a third time and PASSED.

The memorial to the Congress of the United States, praying the extension of the road from Jackson, Lawrence county, to Washington, Hempstead county, at each extremity, was read a third time and PASSED.

The House then, on motion of Mr. *Wilson*, resolved itself into a Committee of the Whole, Mr. *Manly* in the chair, on the bill, to be entitled an act supplementary to an act relative to School Lands; and, after some time spent thereon, rose and reported the bill, with amendments; which amendments were concurred in, and

On motion of Mr. *Manly*, the bill was ordered to be engrossed and read a third time to-morrow.

The bill, to be entitled an act to enable judgement creditors to collect their debts with more facility, was then taken up in Committee of the Whole; and, after some time spent thereon,

On motion of Mr. *Wolf*, the committee rose and reported the bill, with amendments, which amendments were concurred in by the House, and

On motion of Mr. *Brown*, the bill was ordered to be engrossed for a third reading.

The bill, to be entitled an act to levy a tax in the county of Lawrence, for the purpose of building a jail in said county, was then taken up, and

On motion of *Mr. Smith*, the House resolved itself into a Committee of the Whole, *Mr. Manly* in the chair; and, after some time spent thereon,

On motion of *Mr. Scott* of Pope, the committee rose and reported the bill, with an amendment, which was concurred in by the House, and the bill was ordered to be engrossed for a third reading to-morrow.

And the House adjourned.

LEGISLATIVE COUNCIL.

Friday, October 21, 1831.

Mr. Wells, from the Committee on Memorials, reported a Memorial to the Congress of the United States, praying for an appropriation to erect a Hospital at the Hot Springs; which was read the first time and ordered to a second reading.

Mr. Ingram, from the same committee, reported a memorial to the Congress of the United States, praying for an appropriation for the payment of the agents engaged in the selection of the Seminary Lands; which was read the first time and ordered to a second reading.

A message from the House of Representatives, by *Mr. Wolf*.

Mr. President—I am instructed to inform you, that bills of the following titles have been introduced into the House of Representatives, to wit: A bill, to be entitled an act to regulate the fees of all civil officers.—A bill, to be entitled an act to fix the rate of interest on notes and obligations.—A bill, to be entitled an act to regulate civil proceedings at common law.—A bill, to be entitled an act to prevent the killing of deer at certain seasons of the year.

Mr. McKenzie, from the Select Committee to which was referred so much of the Governor's message as relates to that subject, reported a memorial to the Congress of the United States, praying an appropriation to open a road from Helena to the interior of Arkansas, to intersect the Military road from Memphis to Little Rock; which was read the first time and ordered to a second reading.

Mr. Lincecum asked and obtained leave to introduce a bill, entitled an act to repeal the first section of an act concerning marriages, passed November 14th, 1829;

which was read a first time and ordered to a second reading.

Mr. *Hughes* asked and obtained leave to introduce a bill, entitled an act amendatory to the law in Geyer's Digest, under the head of Small Debts; which was read the first time and ordered to a second reading.

Mr. *Bridges*, from the Select Committee to which was re-committed a memorial to the Congress of the United States, for the relief of innocent purchasers of French and Spanish confirmations, reported the same, without amendment; which memorial was then read a second time, committed to a Committee of the Whole, and made the order of the day for Tuesday next.

The engrossed memorial to the Congress of the United States, to extend the road leading from Washington to Jackson, from Sevier county to Hicks' ferry, from the House of Representatives, was read a second time, and the rules being dispensed with, was then read a third time and PASSED.

Ordered, That the same be returned to the House of Representatives.

The engrossed bill, from the House of Representatives, entitled an act to regulate the Practice of Medicine and Surgery, was read a second time, committed to a Committee of the Whole, and made the order of the day for Monday next.

The bill, entitled an act to erect and establish the county of _____, was read a second time, committed to a Committee of the Whole, and made the order of the day for Tuesday next.

The bill, entitled an act further to regulate the duties of Executors and Administrators, was read a second time, and

On motion of Mr. *Sinclear*, committed to a Committee of the Whole, and made the order of the day for tomorrow.

The engrossed bill, to be entitled an act supplementary to an act providing for the election of all civil officers of this Territory, prescribing their duties, oaths and emoluments, and the manner and time of holding elec-

tions, and for other purposes, approved 16th November, 1829, was taken up and re-committed to a Select Committee, consisting of Messrs. *Wolf*, *Boswell*, and *Witter*.

Mr. *Wolf*, from the Select Committee to which was referred the subject of memorializing the Congress of the United States for the relief of those persons who may have suffered by treaties with the Choctaw and Cherokee Nations of Indians, reported a memorial praying for the relief of sundry citizens of Arkansas; which was read the first time and ordered to a second reading.

The engrossed bills, entitled an act to increase the County Revenue, and an act supplementary to an act permanently to locate the Seat of Justice for the county of Union, approved November 2d, 1829, were severally read a third time and PASSED, with their titles aforesaid, striking out the words "A bill, entitled" in each.

Ordered, That Mr. *Pennington* transmit the same to the House of Representatives for their concurrence.

On motion, the Legislative Council then resolved itself into a Committee of the Whole, Mr. *Patton* in the chair, on the engrossed bill, from the House of Representatives, entitled an act giving to Jurors that discretionary power in criminal cases heretofore given to the Judges of the Circuit Courts; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. *Patton* reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the same, with an amendment.

Which report was received, the amendment adopted and ordered to be engrossed, and the bill read a third time to-morrow.

A message was received from the GOVERNOR, by *William Field*, his Private Secretary, purporting to be his VETO to the bill, entitled "An act disposing of the ten sections of land granted by Congress for the purpose of building a house at the Seat of Government"; and read as follows:

To the President and Members of the Legislative Council of the Arkansas Territory.

GENTLEMEN—The bill, entitled "An act disposing of the ten sections of land donated by Congress for the purpose of building a house at the Seat of Government," has been presented to me, on the evening of the 19th instant; and, after giving the subject the most mature and impartial consideration, I have to perform the unpleasant task of returning it to your House, in which it originated, with my objections to its passage.

The act of Congress, authorizing the selection of ten sections for the purpose of raising a fund to erect a public building at this place, I here insert, that my views and objections may be the better understood:

Sec. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Legislature of the Territory of Arkansas be, and they are hereby, authorized to select, or cause to be selected, a quantity of the unappropriated public lands in the Territory of Arkansas, not exceeding ten sections, and in portions not less than one quarter section, which is hereby granted to said Territory, for the purpose of raising a fund for the erection of a public building at Little Rock, the Seat of Government of said Territory.

"Sec. 2. *And be it further enacted,* That the Legislature of said Territory be, and they are hereby, authorized to adopt such measures for the sale of said tract of land, or any part thereof, at such times and manner, and convey the same by such deeds, as they may deem expedient; and, upon the presentation of such deeds of conveyance as shall be adopted by the Legislature, and given to the purchasers, to the Commissioner of the General Land Office, it shall be the duty of the President to issue patents to the purchasers, as in other cases." Approved: March 2d, 1831.

These two sections constitute the whole act of Congress, except the title, on which the bill under consideration is based. It will be perceived, that, in the first section of the act, the Legislature is authorized to select, or cause to be selected, ten sections of land, which ten sections of land is granted to the Territory. Now, let us inquire what is granted to the Territory? Not the authority of the Legislature to select, for that is not the subject of the grant; but the land to be selected; and the grant to the Territory cannot take complete effect, for any particular land, until designated by the Legislature, in conformity to the authority delegated. The authority is given to the Legislature to select, the land is granted to the Territory, and a complete title vests in the Territory, for the land selected, whenever the selection is made; and may then be described, sold, and

conveyed by deeds of conveyance, before a patent issues.— This is not only the literal, but the fair, import and intent of the first section. But, if a doubt can be entertained of the correctness of this construction of the first section, it is entirely removed by the phraseology of the second section, which authorizes a sale and conveyance by deed. The idea of a deed of conveyance of an authority to select land, is too absurd and preposterous to be tolerated for a moment. Congress says to the Legislature of Arkansas, you are authorized to select ten sections of land, and these ten sections we grant, not to you, but to the Territory. We grant to the Territory, not the right to select, but the land to be selected; and the authority to select we vest in the Legislature. Congress, then, authorizes the Legislature, not to sell their authority, but the land, or any part of it, which they are authorized to select. Land not located must be so identified that it can be described with some degree of certainty. Until the ten sections are designated by selection, there is no certain land for a deed to operate on. But, if this were not so, and my construction untenable, still it would be the imperious duty of the Legislature to make the selection of the ten sections according to the authority given, and let the title vest and be complete in the Territory, so that the people could understand the value of the donation made by Congress, and time and opportunity given to judge of the disposition of it before it is placed beyond their control. Congress never intended to throw these ten sections of unlocated floating claims into the market for speculation, and it would be premature and unwise in the Legislature to sell at hazard the chance of the claim upon a conjectural estimate of value.

The bill under consideration does not contemplate a deed or deeds of conveyance for land, but transfers, to Robert Crittenden, the claim, and directs warrants to be issued to him, authorizing him to select the lands, or his assignee to locate them, which, by the first section of the act of Congress, the Legislature were authorized to do for the benefit of the Territory. Congress, in making this donation, supposed they had furnished an ample fund for the erection of a State-House, and, in the abundance of their liberality, intended to save the future State of Arkansas from the necessity of taxing the people to raise funds for such a building. To give the donation the highest possible value, they say you may select it in quarter sections, any and every where, and secure forty of the choice and most valuable spots in the whole Territory, in preference to all other persons.— You can have your own time, and can select land as soon as surveyed, without waiting for a public sale, or even the approval of the surveys. And can it be imagined that forty

quarter sections, the choice spots in this extensive Territory, is not worth more than the minimum government price; or that it will not be worth more or five times that sum in five years from this day? Let us not deceive ourselves or the people as to the value of these lands, or the expense of locating them. The forty quarter sections can be selected for two, three, or at most four hundred dollars; and if the business is confided to men of known honor, fidelity and judgment, I feel assured that these lands will realize, in a few years, from twenty to fifty thousand dollars; and, under a firm conviction of this result, I owe it to the people of this Territory, to withhold my approval and signature from the bill referred to. As the country increases in population, wealth and commerce, lands will rise in price here, as they have done in every other part of the western country. We are not to estimate the value of land a few years hence by its present price. I object to the bill under consideration, because the lands to be transferred to Mr. Crittenden, far exceed in value the house and lots to be received. The highest estimate, in ready money, for Mr. Crittenden's property, would not exceed from six to eight thousand dollars; and ten thousand dollars would be deemed a full price for it on a credit of one, two, three, and even four years; and I hazard the opinion with confidence, that the forty quarter sections to be located on the choice spots in this extensive Territory, would, on a similar credit, bring double if not treble that sum. It may not be improper to remark, that some of the most valuable lands in this Territory are occupied and improved by persons not entitled to the benefit of the late pre-emption law, and whether it will be extended to embrace them is a matter of great uncertainty. These people, to make sure of their homes, would give much more than the minimum price.

I object to this bill, also, because it contemplates the purchase of a private dwelling, calculated for temporary rather than permanent use. We cannot presume that Congress intended such an appropriation, for the temporary accommodation of the Territorial Legislature; but, for a durable building, suited to the purposes for which a public building, at the Seat of Government, is generally designed. If this fund is fairly applied to the erection of a suitable building, and shall be found insufficient, there is every reason to believe that Congress will afford additional aid to accomplish the object of the donation. But, if it is wasted for temporary purposes, no such calculation can be made. Let it be applied according to the letter and spirit of the act of Congress, to the erection of a public building at this place, which fairly implies a suitable and durable State-House, with court rooms, and office rooms, such as are usually connected with

the capitol of a country. When Arkansas shall become a State, a Federal Court will be established here, besides the Superior Court. Rooms are usually provided for these Courts in the capitol. For the convenience of people having business in these Courts or the public offices, for the convenience of suitors, jurors, witnesses, the members of the Legislature, and spectators of the public proceedings of the country, it is important that the capitol should be placed in or near the populous and settled parts of the town, and not in the suburbs, as is the case with the house to be purchased by the bill. The public offices and public property derive much security from their vicinity to the people of the town, who can afford their aid in the event of fire, or other casualty. It is important, also, to place the capitol in reach of a good supply of water, to extinguish fire in case of danger or necessity. The objections to the locality of the building about to be purchased, seem to me strong, if not invincible. The capitol should be near, and, if practicable, in view of the river. A State-House, built with taste and elegance, near the fine river which passes by this town, would command the admiration and respect of the passing stranger, and have a moral and political influence on the whole community. Being the property of all, it would be the pride of all, and constitute a strong bond of union. Such a building would give an impulse to the general improvement of the country. Better houses would soon appear throughout the land, and its whole aspect exhibit a rapid amelioration. Let it be remembered that the people of Arkansas are now, and will soon become in a higher degree, a proud and high-minded people, and will not long be content with a State-House which will not bear a tolerable comparison with the capitols of the neighboring States. Instead of an unsuitable and inconvenient house in the suburbs of the town, they will, sooner or later, have a splendid edifice, in some conspicuous place, which will attract the attention, and inspire the respect, of strangers, and that they can look upon with pleasure and pride. It would seem to me that every consideration connected with the best interest of this people, should prompt the Legislature to commence a building upon a durable basis, suited, not only for their present but future condition, and that their representatives cannot rightfully appropriate the funds given for any temporary purpose.

If, I repeat, the funds should fall short in the progress of the work, the people may look with confidence to the future liberality of Congress, and their own resources. If it be advisable to commence this building in a short time, as I incline to think it is, it cannot be finished in less than three or four years, and the funds will be wanting from year to year as the work progresses. To meet these occasional de-

mands, let two or even three sections of the land be sold each year, at a price not less than three dollars per acre.— If, however, the Legislature are disposed to value the probable advance in price of these lands, they can, when they are located, borrow from five to ten thousand dollars, without difficulty, for 5, 7, or 10 years, at an interest of five per cent., by pledging the lands, or the proceeds, for the payment of the loan. This course would enable you to avoid forced sales, and to dispose of the lands gradually at fair prices.

There seems to me no reason or necessity for hazarding any thing in the disposal of these lands at present. Prudence and wisdom would seem to require the representatives to pause rather than act upon even doubtful ground at the present moment. There seems to be no cause for haste or precipitancy in granting away a valuable property of this people before they can be informed of its value and consulted on the subject. It would seem to be fair, just and respectful to the people, to whom these lands belong, to give them a chance of saying something about them. Let it be borne in mind, that the step once taken, cannot be retraced; and the property once gone from the people, cannot be recovered. A little delay and more consideration can neither injure the members of the Legislature or the people. From 200 to \$400 expended on your present building, will render you tolerably comfortable for another session or two; and it is better to bear a small inconvenience, than to make a premature sacrifice of the public property. It is not probable that the lands, if judiciously selected, will fall in price.

From every view I have been able to take of this subject, I must believe that the General Assembly, in the passage of this bill, have acted under a mistaken view of the intent and true construction of the act of Congress, and a misapprehension of the value of the fund donated for a public building, and the consequences of the measure. With the highest respect for the members of this General Assembly, I beg leave to suggest, that the first act and duty to be performed by them is, to have the land selected, and thereby have a more certain data to estimate its value. I object to the passage of the bill referred to:

1st. Because it proposes to sell the ten sections of land before they are selected.

2d. Because the fund is applied to the *purchase* of a house as a temporary arrangement, instead of the *erection* of a suitable and permanent State-House.

3d. I object to the locality of the building, because the public property will be less safe there than nearer the river and the business part of the town, and because it will be less convenient for the transaction of the public business.

4th. Because it appears to me to be a premature and enormous sacrifice of the public property, without necessity, or the prospect of a fair equivalent.

5th. Because it is impolitic and incompatible with the letter and spirit of the act of Congress, to sell the land upon a conjectural estimate of value, before it is designated.

6th. Because it would be premature and rash to make a final disposition of this fund beyond the control of the people, before the subject is well understood, and the value of the lands ascertained.

Under the influence of the objections and views I have presented, I feel constrained by a sense of duty to the people and myself to refuse my assent and signature to the bill above referred to, and now beg leave to return it with my objections.

JOHN POPE.

Little Rock, October 20, 1831.

Messages were received from the House of Representatives, informing the Legislative Council, that a bill, entitled an act to extend the jurisdiction of Constables; and an act to fix the rate of interest on notes and obligations, have been introduced into the House of Representatives on this day. Also, that the House have agreed to the amendment of the Legislative Council made to the bill, entitled an act to prevent certain persons from giving evidence in this Territory; and that they have agreed to the amendment to the bill, entitled an act permanently to fix the Seat of Justice in the county of Sevier, and appointing trustees for the same. Also, that the House have passed a bill, with the following title, to wit: An act to levy a tax in the county of Lawrence, for the purpose of building a jail in said county; which is herewith transmitted for your concurrence;—and said bill was read the first time and ordered to a second reading.

Mr. *McAmy*, in the name and in behalf of *His Excellency* JOHN POPE, Governor of Arkansas, asked leave to withdraw the veto message, delivered on this day, for the purpose of transcribing it into a legible hand, such as the Secretary can decipher; which was refused by the President.

Whereupon, Mr. *McAmy* appealed from the decision of the President, to the Legislative Council, which also decided against him by a unanimous vote.

On motion of Mr. *Collins*, the Council resolved it-

self into a Committee of the Whole, Mr. *Bridges* in the chair, on the bill, from the House of Representatives, entitled an act to authorize William Lockhart to erect and keep a Toll Bridge across Saline river; and, after some time spent thereon, the committee rose, and the President having resumed the chair,

Mr. *Bridges* reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the same, with sundry amendments.

Which amendments were adopted, and the bill read a third time and PASSED, with the title aforesaid, striking out the words "William Lockhart," and inserting in lieu thereof "William S. Lockert."

Ordered to be returned to the House of Representatives for their concurrence in said amendments.

On motion of Mr. *Wolf*, Mr. *Boswell* was added to the Committee on Memorials.

On motion of Mr. *Hartfield*, the Legislative Council then resolved itself into a Committee of the Whole, Mr. *McAmy* in the chair, on the bill, entitled an act regulating the fees of Sheriffs for taking the Territorial census; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. *McAmy* reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the same, with an amendment.

Which amendment was adopted, and the bill ordered to be engrossed and read a third time to-morrow.

On motion of Mr. *Sinclear*, the bill, entitled an act concerning Attornies at Law, was taken up, read a third time, and on the question, *Shall the bill pass?* the ayes and noes being called for, on motion of Mr. *Farrelly*, stood as follows, to wit:

Ayes.—Messrs. *Boswell*, *Hartfield*, *Lincecum*, *Pennington*, and *Sinclear*.—5.

Noes.—Messrs. *Blount*, *Bridges*, *Douglass*, *Farrelly*, *Hackett*, *Hughes*, *Ingram*, *McAmy*, *McKenzie*, *Orr*, *Patton*, *Tidwell*, *Witter*, *Wolf*, and Mr. President.—15.

And the bill was rejected.

Then, on motion of Mr. Orr, the Legislative Council adjourned.

HOUSE OF REPRESENTATIVES.

Mr. *Wilson* presented the petition of George Stroop, praying for a divorce from his wife, Martha Stroop; which,

On motion of Mr. *Manly*, was referred to the Committee on the Judiciary.

Mr. *Wolf* presented the petition of sundry citizens of Crawford and Pope counties, praying for a new county to be established out of parts of said counties; which,

On motion of Mr. *Scott* of Pope, was laid upon the table.

Messages were received from the Council, informing the House, that the following bills, from the House of Representatives, have passed the Legislative Council, to wit: An act to prevent certain persons from giving evidence in this Territory, with an amendment; and an act permanently to fix the Seat of Justice in the county of Sevier, and appointing trustees for the same, with amendments;—which bills are herewith returned, and your concurrence asked to their several amendments. Also, that the Council have passed the following bills and memorials, to wit: A bill, entitled an act better to designate the line between the counties of Izard and Washington, and for other purposes.—A memorial to the Congress of the United States, for a further appropriation of \$20,000 to repair the road from a point opposite Memphis, (Tenn.) to Little Rock.—A memorial, from the House of Representatives, to the Congress of the United States, praying for the extension of the road from Sevier county to Hicks' ferry.—An act to increase the County Revenue.—An act supplementary to an act permanently to locate the Seat of Justice for the county of Union, approved November 2d, 1829.—A bill, from the House of Representatives, entitled an act to authorize William S. Lockert to erect and build a Toll Bridge across the Saline river, to which the Council have made some amendments, and ask the concurrence of the House of Representatives therein; which bill, with the amendments, is

herewith transmitted. Also, that a memorial to the Congress of the United States, for the relief of innocent purchasers of French and Spanish confirmations; a bill, entitled an act to erect and establish the county of _____; a bill, entitled an act further to regulate the duties of Executors and Administrators; an act to repeal the first section of an act concerning marriages, passed Nov. 14, 1821; and an act amendatory of the law in Geyer's Digest, under the head of Small Debts;—have been introduced into the Legislative Council.

Mr. *Wolf*, from the Select Committee to whom was referred the bill, entitled an act to repeal the first section of an act entitled an act supplementary to an act defining the powers of Justices of the Peace in matters of a civil nature, approved October 23d, 1821, reported, that they had had the same under consideration; and introduced, as a substitute thereto, a bill, with the following title, to wit: A bill, to be entitled an act supplementary to the several laws now in force in this Territory defining the powers and duties of Justices of the Peace in matters of a civil nature; which was read and ordered to a second reading.

Mr. *Clark*, from the Select Committee to whom was referred the bill, to be entitled an act permanently to locate the Seat of Justice of the county of Miller, and more distinctly to define the boundary lines of said county, reported, that they have had the same under consideration, and that they deem no amendment necessary thereto.

Mr. *Clark*, from the Select Committee to whom was referred the memorial to the Congress of the United States, for a road leading from Red river through the counties of Sevier, Crawford and Washington, on the direction to Jefferson Barracks, in Missouri, made the following REPORT:

That they have had the same under consideration, and that they deem the following amendments necessary, to wit: After the word "from," in the 26th line of the 1st page, add "Miller court-house crossing"; and after the word

“at,” in the 27th line of the 1st page, add “or near” which amendments are respectfully submitted.

Which report was concurred in by the House, read a first and second time, and

On motion of Mr. *Clark*, ordered to a third reading to-morrow.

Mr. *Whinnery*, in pursuance to notice previously given, asked and obtained leave to introduce a bill, to be entitled an act to extend the jurisdiction of Constables; which was read and ordered to a second reading.

Mr. *Pope* gave notice, that, on to-morrow, he would ask leave to introduce a bill, to be entitled an act to regulate challenges to Jurors.

Mr. *Clark* gave notice, that, on Monday next, he would ask leave to introduce a bill to exempt occupied improvements from execution.

Mr. *Holland*, in pursuance to notice previously given, asked and obtained leave to introduce a bill, to be entitled an act supplementary to an act, passed November 2d, 1829, to erect and establish the county of Jefferson; which was read and ordered to a second reading.

The bill, from the Legislative Council, entitled an act to repeal the several acts now in force in this Territory concerning writs of certiorari, and for other purposes, was taken up, read a second time, and

On motion of Mr. *Crutchfield*, committed to a Committee of the Whole, and made the order of the day for to-morrow.

The memorial, from the Legislative Council, to the Congress of the United States, for a further appropriation of \$20,000 to repair the road from a point opposite Memphis, (Tenn.) to Little Rock, was read a first time and ordered to a second reading.

The engrossed bill, from the Legislative Council, entitled an act better to designate the line between the counties of Izard and Washington, and for other purposes, was taken up, read, and ordered to a second reading.

The bill, to be entitled an act to prevent the killing of deer, at certain seasons of the year, was read a second time, and

On motion of Mr. *Scott* of Pope, committed to a Committee of the Whole, and made the order of the day for to-morrow.

The bill, to be entitled an act to regulate the fees of civil officers, was taken up, read a second time, and

On motion of Mr. *Crutchfield*, indefinitely postponed.

On motion of Mr. *Livingston*, the bill, to be entitled an act to fix the rate of interest on notes and obligations, was taken up, read a second time, committed to a Committee of the Whole, and made the order of the day for to-morrow.

The bill, entitled an act regulating civil proceedings at common law, was taken up, read a second time, and

On motion of Mr. *Crutchfield*, committed to a Committee of the Whole, and made the order of the day for to-morrow.

The bill, to be entitled an act to prevent certain persons from giving evidence in this Territory, which was returned from the Legislative Council with certain amendments, was taken up, and the amendments agreed to.

The bill, entitled an act permanently to locate the Seat of Justice of the county of Miller, and more distinctly to define the boundary lines of said county, was taken up, read, and ordered to be engrossed for a third reading to-morrow.

The bill, entitled an act to levy a tax in the county of Lawrence, for the purpose of building a jail in said county, was read a third time, PASSED, and sent to the Legislative Council for concurrence,

Mr. *Hanks* gave notice, that, on Monday next, he would ask leave to introduce a bill, to be entitled an act to appoint commissioners to superintend the building of a jail in and for the county of Phillips, and for other purposes.

The bill, entitled an act to enable judgement creditors to collect their debts with more facility, was taken up, read a third time, and committed to a committee of Messrs. *Brown*, *Wilson*, and *Wolf*.

The bill, from the Council, entitled an act authorizing the infant heirs of John Kepler, deceased, to convey a tract of land, was taken up, read a third time, and com-

mitted to a Select Committee of Messrs. *Crutchfield*, *Rutherford*, and *Wilson*.

The bill, entitled an act supplementary to an act relative to School Lands, was taken up, read a third time, and committed to a Select Committee of Messrs. *Wilson*, *Brown*, and *Hudspeth*.

A message was received from the Governor, by Maj. Field, his Private Secretary, informing the House, that the Governor did approve and sign the following bills, on this day, the 21st October, 1831:

An act for the removal and permanent location of the Seat of Justice for the county of Conway.—An act permanently to locate the Seat of Justice of the county of Chicot.—An act supplementary to the laws now in force for the collection of taxes.—An act authorizing Frederick Fletcher to erect and keep a Toll Bridge across Point Remove creek.—An act for the relief of the illegitimate children of David D. Williams.—A memorial to the President of the United States, praying the removal of the United States troops from Cantonment Gibson to Fort Smith.

The bill, from the Legislative Council, entitled an act supplementary to an act permanently to locate the Seat of Justice for the county of Union, approved November 2d, 1829, was taken up, read, and ordered to a second reading to-morrow.

The bill, from the Legislative Council, entitled an act to increase the County Revenue, was taken up, read, and ordered to a third reading to-morrow.

On motion of Mr. *Manly*, the House again resolved itself into a Committee of the Whole, to take into consideration the bill, entitled an act concerning roads and highways, Mr. *Crutchfield* in the chair; and, after some time spent thereon, the committee rose, reported the bill, with sundry amendments, which were agreed to by the House, and

On motion of Mr. *Wilson*, the bill was ordered to be engrossed for a third reading to-morrow.

On motion of Mr. *Clark*, the House resolved itself into a Committee of the Whole, on the bill, to be entitled an act for the relief of R. C. Byrd, Mr. *Pope* in the chair; and, after some time spent thereon, the committee rose and reported the bill, without amendment, which was

concurred in by the House, and the bill ordered to be engrossed for a third reading to-morrow.

On motion of Mr. *Manly*, the House formed itself into a Committee of the Whole, to take into consideration the bill, to be entitled an act declaring in force that part of the second and the whole of third section of the act entitled an act to suppress the practice of duelling, approved October 23, 1820, and repealing the act entitled an act to repeal part of the second and the whole of the third section of an act to suppress the practice of duelling, approved October 27, 1825, Mr. *Brown* in the chair; and, after some time, the committee rose and reported the bill, without amendment, which was concurred in by the House.

Mr. *Menefee* moved the indefinite postponement of the bill, and the yeas and nays being required, were as follows:

Yeas.—Messrs. Clark, Hanks, Livingston, Magness, Menefee, Pope, and Scott of Pope.—7.

Nays.—Messrs. Brown, Calvert, Crutchfield, Fillingim, Gibson, Holland, Hudspeth, Manly, Rutherford, Scott of Hempstead, Stilwell, Talbot, Whinnery, Wilson, Wolf, and Mr. Speaker.—16.

And, on motion of Mr. *Manly*, the bill was ordered to be engrossed for a third reading to-morrow.

The bill, entitled an act to authorize William Lockhart to erect and build a Toll Bridge across the Saline river, which was amended in the Legislative Council, and returned here for concurrence, was then taken up, and, after some amendments were agreed to,

On motion of Mr. *Crutchfield*, it was ordered to lie on the table.

The bill, entitled an act permanently to fix the Seat of Justice in the county of Sevier, and appointing trustees for the same, and which was returned to this House, with amendments, was taken up, and the amendments agreed to.

On motion of Mr. *Brown*, the House resolved itself into a Committee of the Whole, Mr. *Rutherford* in the chair, on the bill, entitled an act to prevent Justices of the Peace from receiving money on judgements obtained before them in civil cases; and, after some time spent thereon, the committee rose, reported the bill, with

some amendments, which were agreed to by the House, and the bill ordered to be engrossed for a third reading to-morrow.

And the House adjourned.

LEGISLATIVE COUNCIL.

Saturday, October 22, 1831.

Mr. *Douglass*, from the Joint Committee on Enrollments, reported, that the said committee had examined the following enrolled bills, to wit: An act authorizing Emzy Wilson to erect and build a Toll Bridge across the Palarm bayou; an act to revive certain provisions of an act to erect and establish the county of Pope; an act for the relief of Joseph Carnes; an act for the relief of Chilo A. Moltier; an act to regulate Attornies fees; an act to repeal an act entitled an act for the opening of a road from Washington, in Hempstead county, to Cote Fabre, in the county of Union, passed the 21st November, 1829; an act to tax clock pedlars vending such articles within this Territory; and an act supplementary to an act to elect commissioners to locate the Seat of Justice of the county of Clark,—and that they had found the same all truly and correctly enrolled.

Mr. *Wolf*, from the Select Committee to which was committed a bill, entitled an act supplementary to an act providing for the election of all civil officers of this Territory, prescribing their duties, oaths and emoluments, and the manner and time of holding elections, and for other purposes, approved 16th November, 1829, reported the same, with amendments; which amendments were read and ordered to be engrossed, and the bill read a third time on Monday next.

The bill, entitled an act to repeal the first section of an act concerning marriages, passed November 14th, 1829, was read a second time, and

On motion of Mr. *McAmy*, ordered to lie on the table until the first day of June next.

The bill, entitled an act amendatory to the law in Geyer's Digest, under the head of Small Debts, was read a second time, and

On motion of Mr. *McAmy*, committed to a Select Committee, consisting of Messrs. *McAmy*, *Hughes*, and *Boswell*.

A memorial to the Congress of the United States, for an appropriation to erect a Hospital at the Hot Springs; a memorial to the Congress of the United States, for the relief of sundry citizens of Arkansas; a memorial to the Congress of the United States, for an appropriation for payment of the agents engaged in the selection of the Seminary Lands; and a memorial to the Congress of the United States, for an appropriation to open a road from Helena to the interior of Arkansas, intersecting the Military road from Memphis to Little Rock;—were severally read a second time, and the rules being dispensed with, read a third time and PASSED.

Ordered, That Mr. *Lincecum* transmit said memorials to the House of Representatives for their concurrence.

The engrossed bill, from the House of Representatives, entitled an act giving to Jurors that discretionary power in criminal cases heretofore given to the Judges of the Circuit Courts, was read a third time and PASSED.

Ordered, That Mr. *Hartfield* transmit the same to the House of Representatives.

The engrossed bill, entitled an act regulating the fees of Sheriffs, for taking the Territorial census, was read a third time and PASSED, with the title aforesaid, striking out the words “engrossed bill,” and adding “and for other purposes.”

Ordered, That Mr. *Hartfield* transmit the same to the House of Representatives for their concurrence.

On motion of Mr. *Collins*, the Legislative Council then resolved itself into a Committee of the Whole, Mr. *Patton* in the chair, on the bill, entitled an act to erect and establish the county of ; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. *Patton* reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the same, with an amendment, (striking out the first section, with the enacting clause.)

And the question being put on the adoption of said

amendment, the ayes and noes were, on motion of Mr. Collins, called for, and stood as follows, to wit:

Ayes.—Messrs. Boswell, Douglass, Farrelly, Hackett, Hughes, Lincecum, McAmy, McKenzie, Tidwell, Witter, Wolf, and Mr. President.—12.

Noes.—Messrs. Blount, Bridges, Collins, Hartfield, Ingram, Orr, Patton, Pennington, Sinclear, and Wells.—10.

And the amendment was adopted and the bill *rejected*.

Messages were received from the House of Representatives, informing the Legislative Council, that bills of the following titles have been introduced into the House: A bill, to be entitled an act regulating challenges to Jurors.—A bill, to be entitled an act to define the time of holding Circuit Courts.—A bill, to be entitled an act to erect and establish a new county, to be made of parts of the counties of Conway, Independence and Izard.—A memorial, praying for a donation of land to settlers on the western and south-western border. Also, that a memorial, from the Legislative Council, praying for an appropriation of \$20,000, to repair the road from a point opposite Memphis, (Tenn.) to Little Rock, has passed the House, and is herewith returned to the Council. Also, that the House have passed the following bills, to wit: A bill, from the Council, entitled an act supplementary to an act permanently to locate the Seat of Justice for the county of Union, approved November 2d, 1829.—A bill, from the Legislative Council, entitled an act better to designate the line between the counties of Izard and Washington, and for other purposes;—which bills are herewith returned to the Council.—A bill, entitled an act supplementary to an act to provide for the leasing for a limited time the land reserved by the Congress of the United States for the support of Schools within each township in this Territory, approved November the 21st, 1829; and the same is herewith transmitted for your concurrence;—which bill was read a first time and ordered to a second reading.—A bill, entitled an act amendatory of an act to define the time of electing all civil officers; which is herewith transmitted to the Council for their concurrence;—which bill was read the first time, and on motion of Mr. McAmy, laid on the table.—A bill,

to be entitled an act to prevent Justices of the Peace from receiving money on judgements obtained before them in civil cases; which is herewith transmitted for your concurrence—which bill was then read a first time and ordered to a second reading. Also, that the House have concurred in the amendments of the Council, to the bill, entitled an act giving to Jurors that discretionary power in criminal cases heretofore given to the Judges of the Circuit Courts. Also, that the House have amended the amendment of the Council to the bill to be entitled an act to authorise William Lockhart to erect and build a Toll Bridge across the Saline river; which bill and amendment are herewith transmitted to the Council for their concurrence.

Mr. *Sinclear* asked and obtained leave to introduce a bill, entitled an act to prevent malicious prosecutions; which was read the first time and ordered to a second reading.

On motion, the Legislative Council then resolved itself into a Committee of the Whole, Mr. *Boswell* in the chair, on the bill, entitled an act further to regulate the duties of Executors and Administrators; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. *Boswell* reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the same, with amendments.

Which report was received, the amendments adopted, and

Ordered, That the bill be engrossed and read a third time on Tuesday next.

On motion of Mr. *Farrelly*, the bill, entitled an act disposing of the ten sections of land donated by Congress for the purpose of building a house at the Seat of Government, and upon which JOHN POPE, (the Governor) had put his veto, and sent it back to the House in which it originated, was taken up, read, and re-considered; and on the question, *Shall the bill pass?* the yeas and nays, being called for, stood as follows, to wit:

Yeas.—Messrs. Blount, Boswell, Collins, Farrelly, Hughes, Ingram, McKenzie, Orr, Patton, Pennington, Sinclear, Wells, Wolf, and Mr. President.—14.

Nays.—Messrs. Bridges, Douglass, Hackett, Hartfield, Lincecum, McAmy, Tidwell, and Witter.—8.

And it appearing that there was not a majority of two-thirds in favor of the passage of the bill, it was *rejected*.

The engrossed bill, from the House of Representatives, entitled an act to levy a tax in the county of Lawrence, for the purpose of building a jail in said county, was read a second time and ordered to a third reading on Monday next.

And then, on motion of Mr. *Blount*, the Legislative Council adjourned.

HOUSE OF REPRESENTATIVES.

Mr. *Brown*, from the Committee on Enrolled Bills, reported, that the committee had examined bills of the following titles, to wit: An act to authorize Emzy Wilson to erect and build a Toll Bridge across the Palarm bayou; an act for the relief of Joseph Carnés; an act to revive certain provisions of an act to erect and establish the county of Pope; an act to regulate Attornies fees; an act for the relief of Chilo A. Moltier; an act to repeal an act entitled an act for the opening a road from Washington, in Hempstead county, to Cote Fabre, in Union county, passed the 21st November, 1829; an act to tax clock pedlars vending such articles in this Territory; an act supplementary to an act to locate the Seat of Justice of the county of Clark;—and found the same to be correctly enrolled.

Mr. *Wilson*, from the Select Committee to whom was referred the bill, to be entitled an act to provide for the leasing for a limited time the Sixteenth Sections, or School Lands, made the following REPORT:

We have had the subject under consideration, and report said bill, with the following amendments, to wit: Before the enacting clause, insert the following title, to wit: An act supplementary to an act to provide for leasing, for a limited time, the land reserved by the Congress of the United States for the support of Schools, within each township in this Territory, approved November the 21st, 1829: also,

amend the 4th section, after the word "sixteenth," in the 6th line, by inserting the word "section."

Which report was agreed to by the House, and the amendments read a first and second time.

Mr. Menefee, from the Select Committee to whom was referred the petition of sundry citizens of the counties of Conway, Independence and Izard, reported, that, after mature deliberation, the committee were of the opinion that said petitioners were entitled to a new county; and asked leave to introduce a bill for that purpose, of the following title, to wit: An act to erect and establish a new county, to be made of parts of the counties of Conway, Independence and Izard.

Which was read a first time and ordered to a second reading.

Mr. Brown, from the Select Committee to whom was recommitted the bill, entitled an act amendatory of the act to define the time of electing all civil officers of this Territory, approved November 16th, 1829, reported said bill, without amendment; which report was concurred in by the House.

Mr. Magness asked and obtained leave to introduce a bill to define the time of holding Circuit Courts; which was read a first time and ordered to a second reading.

Mr. Clark, pursuant to notice previously given, asked and obtained leave to introduce a memorial to the Congress of the United States, praying a donation of land to each actual settler within a certain distance of the western and south-western frontier of this Territory; which was read a first time and ordered to a second reading.

Mr. Pope, pursuant to notice previously given, asked and obtained leave to introduce a bill, to be entitled an act regulating challenges to Jurors; which was read a first time and ordered to a second reading.

Mr. Wilson gave notice, that, on Monday next, he would ask leave to introduce an amendment to the 31st rule of this House, which was to dispense with the necessity of one day's notice for introducing bills of a general nature.

Mr. Calvert introduced the following resolution:

Resolved, That the Auditor of the Territory of Arkansas be requested to furnish this House, as soon as may be, with a statement of the amount of monies paid by the Sheriffs in the different counties on original writs, executions and county seals, and on deeds recorded.

Which resolution was adopted.

Mr. Wolf gave notice, that, on Monday next, he would ask leave to introduce a bill, to be entitled an act supplementary to the several laws concerning Strays.

Mr. Clark gave notice, that, on Monday next, he would ask leave to introduce the following bills, to wit: A bill, to be entitled an act to allow Clerks and Sheriffs an annual compensation for county services, and fees in criminal cases, in lieu of fees taxable against said counties. Also, a bill for the relief of John Hays; and a bill for the relief of Mary Griffin, alias Mary Sims.

Mr. Brown gave notice, that, on Monday next, he would ask leave to introduce a bill to repeal so much of the Revenue Law as compels parties to pay a Territorial tax on original writs, executions, and deeds recorded.

The memorial to the President of the United States, praying an appropriation of \$20,000 to repair the Memphis and Little Rock road, was read a second time, and

On motion of **Mr. Calvert**, the rules of the House were dispensed with, and the memorial was read a third time and PASSED.

The bill, to be entitled an act supplementary to the several laws now in force defining the powers and duties of Justices of the Peace in matters of a civil nature, was read a second time, and

On motion of **Mr. Manly**, the bill was indefinitely postponed.

Mr. Livingston moved the following resolution:

Resolved, That the Secretary of the Territory be requested to furnish this House with such information as may be in his possession relative to the population of each county in this Territory, as ascertained by the last census, taken by the respective Sheriffs.

Which resolution was adopted.

The bill, to be entitled an act supplementary to an act

passed November 2d, 1829, to erect and establish the county of Jefferson, was read a second time, and

On motion of Mr. *Manly*, was ordered to be engrossed for a third reading on Monday.

The bill, from the Legislative Council, entitled an act to increase the County Revenue, was read a second time, and

On motion of Mr. *Menefee*, was laid upon the table.

The bill, from the Legislative Council, entitled an act better to designate the boundary line between the counties of Washington and Izard, was read a second time, and

On motion of Mr. *Menefee*, the rules of the House were dispensed with, and the bill was read a third time and PASSED.

The bill, from the Legislative Council, entitled an act supplementary to an act permanently to locate the Seat of Justice for the county of Union, approved November 2d, 1829, was read a second time, and

On motion of Mr. *Scott of Pope*, the rules of the House were dispensed with, and the bill read a third time and PASSED.

The bill, to be entitled an act to extend the jurisdiction of Constables, was read a second time, and

On motion of Mr. *Whinnery*, committed to a Committee of the Whole, and made the order of the day for Monday.

The bill, to be entitled an act to define the time of electing all civil officers, was read a third time; and thereupon,

Mr. *Manly* moved to disagree to the report of the Select Committee on said bill, which reported the same, without amendment; which motion was agreed to, and

Mr. *Scott of Pope* moved that the said report of said committee be committed to a Committee of the Whole, and made the order of this day; which motion was agreed to,

And the House thereupon resolved itself into a Committee of the Whole, Mr. *Wilson* in the chair, on said report; and, after some time spent thereon, the committee rose and reported amendments to said report; which

amendments were concurred in, and the bill, with the amendments, was then read a third time and PASSED.

The bill, entitled an act to authorize William S. Lockert to build a Toll Bridge across the Saline river, which had been returned to the House of Representatives, with amendments, was taken up, and

Mr. *Crutchfield* moved an amendment to an amendment made by the Legislative Council, which was concurred in by the House; and the said amendment was read three several times and PASSED.

Message from the Legislative Council, by Mr. *Hartfield*.

Mr. *Speaker*—I am instructed to inform you, that the Legislative Council have passed a bill, from the House of Representatives, entitled an act giving to Jurors that discretionary power in criminal cases heretofore given to the Judges of the Circuit Court, with some amendments; which are herewith sent, and ask your concurrence in said amendments. They have also passed an act regulating the fees of Sheriffs for taking the Territorial census, and for other purposes; which is also herewith transmitted for your concurrence.

And the said bill was read a first time and ordered to a second reading.

Message from the Legislative Council, by Mr. *Lincecum*.

Mr. *Speaker*—I am instructed to inform you, that the Legislative Council have passed the following memorials, to wit: One to the Congress of the United States, asking an appropriation to erect a Hospital at the Hot Springs; one to the Congress of the United States, praying relief under the treaty between the United States and the Cherokee Indians, made in the year 1817; one to the same, asking an appropriation to defray the expense of selecting the Seminary Lands; and one to the same, asking an appropriation to open a road from Helena to intersect the National Road from Memphis to Little Rock;—all of which are herewith transmitted for your concurrence.

All of which memorials were severally read a first time and ordered to a second reading.

The amendments made by the Legislative Council, to the bill, entitled an act giving to Jurors that discretionary power in criminal cases heretofore given to the Circuit Courts, were then read, considered, and agreed to.

The following bills were severally read a third time and PASSED, to wit: A bill, entitled an act to prevent Jus-

tices of the Peace from receiving money on judgements obtained before them in civil cases; a bill, entitled an act for the relief of Richard C. Byrd, Auditor of this Territory; a bill, entitled an act supplementary to the several laws now in force in this Territory concerning roads and highways; a bill, entitled an act permanently to locate the Seat of Justice in the county of Miller, and more distinctly to define the boundary line of said county; a bill, entitled an act re-enacting and declaring in force that part of the second and the whole of the third section of an act entitled an act to suppress the practice of duelling, approved October 23d, 1820, and repealing the act entitled an act to repeal a part of the second and the whole of the third section of an act to suppress the practice of duelling, approved October 27th, 1825.

On motion of Mr. *Brown*, the House then resolved itself into a Committee of the Whole, Mr. *Brown* in the chair, on the bill, to be entitled an act concerning suits on penal bonds; and, after some time spent thereon, the committee rose and reported the bill, with an amendment, which was agreed to by the House, and

On motion of Mr. *Crutchfield*, ordered to be engrossed.

On motion of Mr. *Brown*, the House then resolved itself into a Committee of the Whole, Mr. *Manly* in the chair, on the bill, to be entitled an act to change the mode of assessing taxes in this Territory, and for other purposes; and, after some time spent thereon, the committee rose and reported the bill, with sundry amendments; and the said amendments were concurred in by the House, and

On motion of Mr. *Manly*, the bill was indefinitely postponed.

Message from the Legislative Council, by Mr. *Witter*.

Mr. *Speaker*—I am instructed to inform you, that his Excellency the Governor of this Territory, by Mr. Field, his Private Secretary, has returned to the Legislative Council the bill, entitled an act disposing of the ten sections of land granted by the Congress of the United States to the Territory of Arkansas, for the purpose of raising a fund to erect a public building at the Seat of Government, with his disapprobation, and the reasons therefor.

On motion of Mr. *Whinnery*, the House then resolved

itself into a Committee of the Whole, Mr. *Crutchfield* in the chair, on the bill to abolish imprisonment for debt; and, after some time spent thereon, the committee rose and reported the bill, with an amendment, which was concurred in by the House.

Mr. *Manly* then moved an indefinite postponement of the bill; and the question thereon being taken, it was decided in the negative, by yeas and nays, as follows:

Yeas.—Messrs. Brown, Crutchfield, Fillingim, Hanks, Manly, Scott of Hempstead, Scott of Pope, Smith, Talbot, and Wilson.—10.

Nays.—Messrs. Calvert, Clark, Gibson, Holland, Hudspeth, Livingston, Magness, Menefee, Pope, Rutherford, Stilwell, Whinnery, Wolf, and Mr. Speaker.—14.

And the House adjourned.

LEGISLATIVE COUNCIL.

Monday, October 24, 1831.

Mr. *Tidwell*, from the Committee on Memorials, reported a memorial to the Congress of the United States, for an appropriation to open a road from Strong's to Batesville; which was read the first time and ordered to a second reading.

Mr. *Farrelly*, from the Joint Committee on the Auditor's and Treasurer's Books, made the following

REPORT:

The Joint Committee on the Books of the Auditor and Treasurer, REPORT: That your committee, in conjunction with the committee from the House of Representatives, have, according to order, performed the duties assigned them, and after a patient and laborious examination of the accounts, books, and vouchers, of the Auditor and Treasurer, find the state of the Treasury as follows, viz: Since the report of the Joint Committee, in 1829, there have been warrants drawn on the Treasury to the amount of \$9,963 97½, which, with the amount of Scrip reported, as then in circulation, \$11,834 28½, and the sum of one hundred and sixty-one dollars fifty-one cents, (\$161 51) overpaid by the collectors of the revenue, makes the sum of \$21,959 77, the whole amount of debits; from which deduct the sum of \$13,319 80½,

being the amount of Scrip received from the Treasurer, as cancelled, leaves a balance of \$8,639 96½, the amount of Scrip in circulation at this time. The net revenue accounted for at the Treasury, since last report, amounted to the sum of \$14,462 23, of which sum \$13,344 80½, was paid in Scrip, and the sum of \$1,117 42½, interest allowed on the same; from which sum of net revenue, deduct the sum of thirty-one dollars 22½, paid on account of the revenue of 1831, leaves a balance of \$14,431 00½, being the amount of net revenue for 1829 and 1830. The Scrip remaining in the Treasury on last report, and for which Treasurer's receipts were not filed with the Auditor, amounted to the sum of \$588 95, since which time a receipt for \$144 16, has been filed with the Auditor, on account of the same, being deducted, leaves the sum of \$444 79, to which add the sum of thirty-one dollars 22½, makes the sum of \$476 01½, remaining in the Treasury. Your committee, believing that the Treasurer's receipts, for the former sum, have been mislaid, have, on the information of the Treasurer, and agreeable to the envelops over the Scrip, carried the same to the credit of the persons' accounts who paid in the same, viz: the sum of \$30 73 to John Adams, Sheriff of Izard; and \$414 06 to the late Thomas Dooly, former Sheriff of Hempstead. Your committee would, therefore, recommend the passage of a resolution, authorizing this Scrip, so credited, to be destroyed with that in possession of your committee; all of which has been counted, found correct, and the interest calculated and found to correspond with the entries on the Treasurer's Books.

The Scrip in circulation, taking for our data former reports, appears, as above, to amount to the sum of \$8,639 96½, to which add the probable amount of interest due, say \$750, makes the sum of \$9,389 96½: from which deduct the sum of \$475 95½, being the amount of Scrip in the Treasury for which no Treasurer's receipts have been filed, leaves a balance \$8,914 01, the amount of the Territorial debt at the present time. For all the warrants drawn on the Treasury, vouchers have

been filed in the Auditor's office, and the committee have them now in their possession, with the exception of the following, drawn by the former Auditor, Geo. W. Scott, and bearing date the 20th October, 1829, viz: One in favor of Geo. W. Scott, for \$81 25; one in favor of Thos. Hubbard, for \$100; two in favor of Wm. B. R. Horner, for \$50 each, \$100; one in favor of David Rorer, for \$40; one in favor of H. L. Biscoe, for \$28 51; one in favor of G. W. Ferebee, for \$24 11. The three former items appear by the warrants to have been for salaries, and the three latter, on account of criminal prosecutions; making together, the sum of three hundred seventy-three dollars eighty-seven cents, for which the said Geo. W. Scott is accountable. On examination of the Books and those warrants, it appears the salaries were due to those persons at the time the warrants were drawn, and doubtless, the proper vouchers were given, but no record has ever been made on the Auditor's Books, and the present Auditor denies having received any such from his predecessor. The annexed statement, marked A, shows the amount of warrants drawn under the appropriations of 1829, and the unexpended balances of said appropriations. The Auditor, as will appear by this statement, has overdrawn on several of the sums appropriated, viz: on specific appropriations, the sum of \$308; on criminal prosecutions, the sum of \$106 21; on salaries of Prosecuting Attornies, \$30; on salaries of Auditor and Treasurer, the sum of \$95 30: making together, the sum of \$539 51, which the committee feel bound to report him accountable for, under the act of 1829, entitled "An act regulating the offices of Auditor and Treasurer." This may be accounted for, measurably, in the fact of his blending the appropriations together; in particular, a part of specific under the head of contingencies, and his having overlooked the amount drawn by his predecessor. Your committee would, therefore, recommend the passage of an act giving him relief for the sum thus overdrawn. The committee have further discovered, in examination of vouchers, that there has been drawn on the Treasury, under the head of

criminal prosecutions, the sum of \$233 20 cents, on accounts certified by the Judge of the 4th Circuit, under the 4th section of the act of 1828, entitled "An act further to regulate the payment of cost in criminal and penal cases." This section has been repealed by an act of 1829, entitled "An act to amend the several laws regulating the payment of cost in criminal and penal cases;" and the vouchers purport to be for costs accrued in the case of the United States vs. Lockhart, whose commitment and trial was subsequent to the repeal of said section. Such being the case, the committee deem the warrants to have been drawn contrary to law, and the Auditor, R. C. Byrd, accountable. There also appears, on the Sheriffs' account book, to have been credited to James Kelleam, Sheriff, the sum of \$29 79, over the amount of the Treasurer's receipt; which sum, added to the said sum of \$233 20, makes the sum of \$262 99 cents, chargeable to the Auditor, and for which your committee consider him accountable.

The committee also discovered a voucher, certified by the Judge of the 2d Judicial Circuit, for the sum of \$224, guard hire, in the case of the United States vs. House & Woods, under the "Act to regulate the payment of cost in certain cases," passed June 28, 1820. This act gives power to the Judges "to make a reasonable compensation for guards, to aid the Sheriff of any county, for the safe keeping or conveying any prisoner as required by law," and was, in the opinion of the committee, repealed by "An act providing more effectually for the safe keeping of prisoners guilty, or supposed guilty, of capital offences," passed 29th October, 1823; the last recited act allowing a compensation of one dollar per day and travelling expenses, &c. The account, so certified, allowed the sum of two dollars per day. The committee, however, in passing on this account, have allowed it under the last recited act, viewing the additional charge of one dollar per day, as a reasonable compensation for the expenses of board, under the depreciated state of Scrip at that time.

The committee also found vouchers on which warrants

have been drawn on the contingent fund for;—(the accounts certified by the Executive)—but there being no precedent or law, heretofore, authorizing the allowance of such claims, the committee feel it their duty to notice them, viz: an account for books and stationary for the Adjutant General's office, \$25 64. This account seems just and reasonable, viewing, as we must, the small salary of that officer. It could never have been the intention of the law that he should find his own stationary. Your committee, therefore, recommend, that a provision be made by law for this purpose, either by an increase of salary, or an appropriation for the contingent expenses of that office. An account for Executive postage, \$40 62, from the 1st of April to the 18th November, 1830. No accounts of this description have ever been presented by the Executive of this Territory, except that for postage on election returns, authorized by "An act providing for the election of all civil officers of this Territory," &c. passed the 16th November, 1829. This act requires the Clerks of the different counties to transmit returns of elections by mail, and an account of postage on the same has been allowed and drawn for.—The Executive, heretofore, so far as your committee have understood, have either paid it out of their own funds, or taken it from the contingent fund appropriated by Congress for the expenses of the Secretary's office. Such being the case, your committee have come to the conclusion, that it never could have been the intention of Congress, in the creation of the office of Governor of this Territory, to tax the people with the payment of contingent expenses of this nature. The office and its necessary expenses are inseparable, and unless where the law makes a special provision, the contingent expenses and salary come from the same coffers. Consequently, there being no provision in our laws for the allowance, and no former precedent to justify it, we are constrained to say, that the payment is unauthorized, and submit the same for your consideration.

Statement B, hereunto annexed, shows the gross amount of warrants drawn on the Treasury since the re-

port in 1829, and to what purposes they have been applied. Under a resolution passed the 21st October, 1829, there has been allowed, on the certificate of the Executive, an account for printing of one thousand copies of the laws. The number required to furnish each person entitled to a copy, would be five hundred and eighty-two, leaving a surplus of four hundred and eighteen copies. Your committee have been informed, that notwithstanding this unusual number printed, there are many of the counties that have not received their quotas. The amount allowed on the certificate of the Executive, for transcribing the laws for publication, and prefixing marginal notes, being a much greater sum than has heretofore been allowed, for like services, your committee have felt it their duty to notice this allowance, and respectfully suggest the propriety of making a specific appropriation for this purpose, as the best means of guarding hereafter against extravagant charges for like services. The distribution of the laws and journals ought, in the opinion of the committee, to be provided for, by a specific appropriation; and the person or persons who undertake the distribution, should be bound in a penal bond for the faithful performance of the undertaking.

The committee, in the performance of their duty, have minutely examined every subject connected with the offices of Auditor and Treasurer, and the public revenue; and in reporting the result of their labor, find it necessary to extend their remarks beyond what might appear the proper sphere of an examination into the receipts and expenditures of the Territory. The revenue arising from the tax on land, notwithstanding the annual increase of freeholds, by location and purchase of the public lands by our citizens, diminishes yearly, in consequence of the number of military bounty lands struck off to the Territory, for the non-payment of taxes. In 1829, the tax on those forfeited, amounted to the sum of \$1,238 40 cents, and in 1830, to the sum of \$2,448 70 cents.—Should the revenue from this source continue to diminish, in the same ratio, and no means provided for the disposal of those forfeited to the Territory, in a few years the

revenue from this land will be reduced to less than one fifth of the original amount. Your committee would, therefore, respectfully suggest the propriety of disposing, at public sale, all those tracts that have been five years or upwards struck off to the Territory, and to extend the time of redemption of the others, where the term of five years has not elapsed. There has been redeemed of the Territory, since the report of 1829, one hundred and forty-four tracts of bounty land, and two tracts of confirmed land, on which the redemption, taxes, and costs, amounted to \$909 32 cents. The amount due from defaulters, mentioned in former reports, amounts to the sum of \$1,486 03½; from which deduct the sum of \$414 06, credited by the committee to the former Sheriff of Hempstead, leaves a balance of \$1,091 97½ cents. Of this sum, it is believed that \$381 50 might be collected, if the proper means were used to coerce the payment; the residue may be considered as bad debts. There appears due from collectors of the revenue of 1829 and 1830, the sum of \$207 66½ cents.

The tax lists and other vouchers against the collectors of the revenue, for the present year, have not all been received by the Auditor; but from an estimate of those on file, your committee reasonably calculate on the sum of \$7000 being paid into the Treasury, as net revenue for the current year.

Taking this view of the finances, your committee anticipate, on the close of the current year, that the public debt will not exceed two thousand dollars, unless the present Legislature should require further disbursements. They would, therefore, respectfully recommend the propriety of calling in the Scrip in circulation, a measure which your committee deem necessary, to detect fraud or forgery, if such have been committed, as well as an act of justice to the individual whose name it bears, and under whose responsibility it issued. The Scrip redeemed at the Treasury, is in the possession of the committee, with warrants and vouchers examined, subject to order. All of which is respectfully submitted, with the following resolution, and the annexed statement, marked C,

showing the receipts and expenditures of the Territory for 1829 and 1830.

Resolved, That the Committee on the Auditor's and Treasurer's Books, be instructed to burn the Scrip redeemed at the Treasury, and that the Speaker of the House of Representatives, be instructed to write the word "SATISFIED," on the warrants and vouchers examined by the Committee on the Auditor's and Treasurer's Books, and sign the same, and return them to their respective offices.

A.

A Statement, showing the gross amount of Warrants drawn on the Treasury, under the appropriations of 1829, from the first day of October, 1829, to the thirtieth day of September, 1831.

BY WHOM DRAWN.	Specific Appropria- tions.		Pay of Members of the Legislature and Officers, &c.		Contingences.		Criminal Prosecu- tions.		Salaries of Prosecu- ting Attornies.		Salaries of Auditor and Treasurer.		Storage of Public Arms.		Pay of Adjutant-Gen- eral.		Amount overdrawn.	
	D.	C.	D.	C.	D.	C.	D.	C.	D.	C.	D.	C.	D.	C.	D.	C.	D.	C.
George W. Scott, Auditor. Amount of Warrants, Richard C. Byrd, Auditor. Amount of Warrants,			3391	00	142	80	92	62	400	00	162	50						
	1454	60½			681	15	913	59	1230	00	1212	80	187	25	95	66		
Amount overdrawn,	308	00	3391	00	823	95	1006	21	1630	00	1375	30					539	51
	1146	60½					900	00	1600	00	1280	00						
Unexpended balance of appropriations,			609	00	676	05							12	75	4	34		
Amount of appropriations,	1146	60½	4000	00	1500	00	900	00	1600	00	1280	00	200	00	100	00		

B.

*A Statement, showing the gross amount of Warrants drawn on the Treasury, from the first day of
October, 1829, to the thirtieth day of September, 1831.*

For the pay of the Members of the Legislature and their Officers, at the session of 1829,	} \$3,391.00
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Audits certified by the Executive:

Printing the Acts of the General Assembly of 1829, - - - - -	\$567.00	
Do. " Journals do. " " - - - - -	441.00	
Do. for the General Assembly, (see appropriations) - - - - -	126.85½	
Do. Proclamations, Blanks, &c. - - - - -	76.05	
		1,210.91
For bringing Election Returns, - - - - -		248.58
" Postage of Election Returns for Civil Officers, - - - - -		29.30
" Distributing the Acts of 1828, - - - - -		40.00
" Do. do. 1829, - - - - -		35.00
" Copying the Acts, &c. 1829, - - - - -		175.00
" Distributing Journals, 1829, - - - - -		68.00
" Postage of Letters, - - - - -		40.62½
Salaries.—Auditor and Treasurer, - - - - -		1,375.30
Prosecuting Attornies, - - - - -		1,630.00
Adjutant-General, - - - - -		95.66

Benjamin Patton, appropriation, 1829;	- - - - -	\$146 00
Samuel D. Roze, do.	- - - - -	40 00
William Bradshaw, do.	- - - - -	20 00
John M'Clain, do.	- - - - -	6 75
Daniel Ringo, do.	- - - - -	7 00

219 75

Audits certified by the Judges of the Superior and Circuit Courts:

Sheriff's fees for attending the Superior Court,	- - - - -	176 00
Witnesses for attendance in the case of the U. States vs. House & Woods,	- - - - -	147 87
Prosecuting Attorney's fee on conviction of Woods,	- - - - -	30 00

353 78

David Rorer,	- - - - -	40 00
Clerks' fees in criminal cases,	- - - - -	103 65
Sheriff's do. do.	- - - - -	360 96
Coroner's do. do.	- - - - -	5 34
Board of Prisoners,	- - - - -	26 40
Guard Hire,	- - - - -	292 00

*834 92

Storage of Public Arms,	- - - - -	187 25
Auditor making transcript of Military Lands,	- - - - -	28 81

\$9,963 97

[*There appears an omission of \$6 57.]

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C.

Statement of Territorial Receipts and Expenditures, (including the balance of Scrip in circulation as last Report) from the first day of October, 1829, to the thirtieth day of September, 1831.

<i>DR.</i>	
To am't of principal Scrip in circulation, Oct. 1st, 1829,	\$11,834 28½
Amount overpaid by Collectors of the Revenue,	161 51
Amount of Warrants drawn on the Treasury,	9,963 97½
	<u>\$21,959 77</u>
To amount of Scrip received of the Treasurer,	13,319 80½
Interest allowed on same,	1,111 20
Balance of Scrip and interest on same, remaining in the Treasury, for which no receipts have been filed with the Auditor,	31 22½
	<u>14,462 23</u>
To balance brought down, being amount of principal Scrip in circulation,	8,639 96½
Probable amount of interest due on same,	750 00
To balance, being amount of Territorial debt, including interest,	<u>9,389 96½</u>
	<u>\$8,914 01</u>

<i>CR.</i>	
By am't of principal Scrip redeemed at the Treasury, and delivered to Joint Committee,	\$13,319 80½
Balance, being the amount of Scrip in circulation,	8,639 96½
	<u>\$21,959 77</u>
By amount of net Revenue accounted for at the Treasury,	14,431 01
Do. on account of Revenue of 1831,	31 22
	<u>14,462 23</u>
By balance of Scrip in the Treasury at former examination, for which no receipts have been filed, and part of Revenue of 1831,	475 95½
This amount, the Territorial debt, due up to this date,	8,914 01
	<u>9,389 96½</u>

Which report was received and the resolution adopted; and

On motion of Mr. *Witter*,

Ordered, That one thousand copies be printed for the use of the Legislative Council.

Mr. *Wolf* asked and obtained leave to introduce a memorial to the Congress of the United States, for an appropriation to improve the navigation of White river; which was read the first time and ordered to a second reading.

The amendment of the House of Representatives to the bill, entitled an act to authorize William S. Lockert, to erect and build a Toll Bridge across the Saline river, was read and concurred in.

Ordered, That Mr. *Boswell* inform the House of Representatives thereof.

The engrossed bills, from the House of Representatives, entitled an act supplementary to an act to provide for the leasing for a limited time the land reserved by the Congress of the United States for the support of Schools within each township in this Territory, approved Nov. 21st, 1829; an act to prevent Justices of the Peace from receiving money on judgements obtained before them in civil cases; and the bill, entitled an act to prevent malicious prosecutions—were severally read a second time, committed to a Committee of the Whole, and made the order of the day for to-morrow.

The engrossed bill, from the House of Representatives, entitled an act to levy a tax in the county of Lawrence, for the purpose of building a Jail in said county, was read a third time and PASSED.

Ordered, That Mr. *Boswell* return the same to the House of Representatives.

The bill, entitled an act supplementary to an act providing for the election of all civil officers of this Territory, prescribing their duties, oaths and emoluments, and the manner and time of holding elections, and for other purposes, approved 16th Nov. 1829, was read a third time and PASSED, with the title aforesaid, striking out the words, "A bill, entitled."

Ordered, That Mr. *Boswell* transmit the same to the

House of Representatives for their concurrence.

On motion of Mr. *Hughes*, the Legislative Council then resolved itself into a Committee of the Whole, Mr. *Douglass* in the chair, on the engrossed bill, from the House of Representatives, entitled an act to regulate the Practice of Medicine and Surgery; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. *Douglass* reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the same, with amendments.

Which report was received, the amendments adopted, and the bill ordered to a third reading to-morrow.

The Legislative Council were informed, by messages from the House of Representatives, that bills with the following titles have passed in the House, viz: A bill, to be entitled an act supplementary to the several laws now in force concerning roads and highways.—A bill, to be entitled an act reinstating and declaring in force that part of the second and the whole of the third section of the act entitled an act to suppress the practice of duelling, approved Oct. 23d, 1820, and repealing the act entitled an act to repeal a part of the second and the whole of the third section of an act to suppress the practice of duelling, approved October 27th, 1825.—A bill, to be entitled an act permanently to locate the Seat of Justice in the county of Miller, and more distinctly to define the boundary lines of said county.—A bill, to be entitled an act for the relief of Richard C. Byrd, Auditor of this Territory.—A bill, entitled an act supplementary to an act passed Nov. 2d, 1829, to erect and establish the county of Jefferson.—A bill, entitled an act concerning suits on penal bonds, and other writings under seal.—An act to abolish imprisonment for debt. Which said bills were transmitted for the concurrence of the Legislative Council: And said bills were severally read the first time and ordered to a second reading. The Council were also informed, that bills of the following titles have this day been introduced into the House, to

wit: An act to repeal part of the eighth section of the Revenue Law, in Geyer's Digest.—An act to exempt improvements from execution.—An act to call in the Territorial Scrip now in circulation, and for other purposes.—An act to allow the Clerks and Sheriffs of the several counties an annual compensation for county services, and fees in criminal cases.—An act supplementary to the several laws concerning Strays.—An act for the relief of Mary Griffin.

Mr. *Farrelly*, who, on Saturday, voted in the majority on the adoption of the amendment to and the rejection of the bill, entitled an act to erect and establish the county of _____, moved a re-consideration of the vote taken on that question, which was granted; and then,

On his motion, the bill was laid on the table.

A message from the House of Representatives, by Mr. *Wolf*.

Mr. *President*—I am instructed to inform you, that the House of Representatives have adopted the following resolution:

Resolved, That the House of Representatives invite the Legislative Council to meet them in the Legislative Hall, on Friday next, for the purpose of electing an Auditor and Treasurer for the Territory, together with Justices of the Peace for said Territory.

Mr. *Sinclear* asked and obtained leave to introduce a bill, entitled an act for the relief of Dickson P. Collins and Eli Bell, of Crawford county; which was read the first time and ordered to a second reading.

On motion of Mr. *Douglass*,

Resolved, That the regular hour of meeting for the Legislative Council, shall be ten o'clock.

On motion of Mr. *Boswell*, the following resolution, from the House of Representatives, to wit:

Resolved, That no bill or memorial into either House of this General Assembly, shall be received after the twenty-fourth of this present month—

Was taken up, read, and amended, by striking out "twenty-fourth," and inserting in lieu thereof "twenty-ninth."

Ordered, That the House of Representatives be informed of and their concurrence asked to said amendment.

Mr. *Tidwell* asked and obtained leave to introduce a

bill, entitled an act to make certain alterations in the western boundary line of Jackson county; which was read the first time and ordered to a second reading.

Mr. *Farrelly*, who, on Saturday last, voted in the numerical majority on the bill upon which JOHN POPE, (the Governor) had put his veto, entitled "An act disposing of the ten sections of land granted by Congress, for the purpose of building a house at the Seat of Government," moved to re-consider the vote then taken; which motion, the *President* decided was out of order.

Mr. *Farrelly* then appealed to the Legislative Council, from the decision of the *President*; and

On motion of Mr. *Douglass*, the yeas and nays were called for and stood as follows, to wit:

Yeas.—Messrs. Bridges, Douglass, Hackett, Hartfield, Lincecum, McAmy, McKenzie, Tidwell, and Witter.—9.

Nays.—Messrs. Blount, Boswell, Collins, Farrelly, Hughes, Ingram, Orr, Patton, Pennington, Sinclear, Wells, and Wolf.—12.

And the *President's* decision was over-ruled, and the bill ordered to be taken up and read.

Mr. *Farrelly* then moved to lay the bill on the table; and

Mr. *Lincecum* moved to lay the bill on the table until the 4th day of July next.

Upon which last motion, Mr. *Douglass* again called for the yeas and nays, which stood as follows, to wit:

Yeas.—Messrs. Bridges, Douglass, Hackett, Hartfield, Lincecum, McAmy, Tidwell, and Witter.—8.

Nays.—Messrs. Blount, Boswell, Collins, Farrelly, Hughes, Ingram, McKenzie, Orr, Patton, Pennington, Sinclear, Wells, Wolf, and Mr. President.—14.

Motion rejected.

The vote on Mr. *Farrelly's* motion was then taken and decided in the affirmative.

Ordered, That the bill lie on the table.

On motion of Mr. *Douglass*, the Legislative Council adjourned.

HOUSE OF REPRESENTATIVES.

Mr. *Wilson* presented a paper, which, with the petition of George Stroop, was referred to the Committee on the Judiciary.

The *Speaker* presented the petition of sundry inhabitants of Pulaski county, praying for a new county; which was,

On motion of Mr. *Rutherford*, referred to a Select Committee, and Messrs. *Rutherford*, *Crutchfield*, *Wolf*, *Magness*, and *Fillingin*, were appointed that committee.

Mr. *Rutherford*, from the Joint Committee on the Auditor's and Treasurer's Books, presented a report—[For a copy of which, see this day's proceedings of the Legislative Council.]

On motion of Mr. *Manly*, twenty-five copies of the report were ordered to be printed; and the said report was then committed to a Committee of the Whole, and made the order of the day for Wednesday.

Mr. *Scott* of Pope, from the Committee on Memorials, asked and obtained leave to introduce a memorial to the Congress of the United States, praying an extension of the pre-emption law to the citizens of this Territory; which was read and ordered to a second reading.

Mr. *Wilson*, pursuant to notice previously given, asked and obtained leave to introduce the following amendment to the 31st rule, viz:—Strike out of the 2d and 3d line the following words, to wit: "In cases of a general nature one day's notice at least shall be given."

Which amendment was adopted.

Mr. *Brown*, pursuant to notice previously given, asked and obtained leave to introduce a bill, to be entitled an act to repeal part of the eighth section of the Revenue Law in Geyer's Digest; which was read a first time and ordered to a second reading.

Mr. *Brown* moved the following resolution:

Resolved, That the House of Representatives invite the Legislative Council to meet them in the Legislative Hall, on Friday next, for the purpose of electing an Auditor and Treasurer for the Territory, together with Justices of the Peace for said Territory.

Which resolution was adopted.

Mr. *Clark*, pursuant to notice previously given, asked and obtained leave to introduce a bill, to be entitled an act to exempt improvements from execution.

Mr. *Manly*, pursuant to notice previously given, asked

and obtained leave to introduce a bill, to be entitled an act to call in the Territorial Scrip now in circulation, and for other purposes; which was read a first time and ordered to a second reading.

Mr. *Clark*, pursuant to notice previously given, asked and obtained leave to introduce a bill, to be entitled an act to allow the Clerks and Sheriffs of the several counties an annual compensation for county services, and fees in criminal cases.

Mr. *Pope* moved the following resolution:

Be it resolved, That the Legislative Council be requested to transmit to this House the message of the Governor of this Territory, refusing to sign the bill to dispose of the ten sections of land granted by Congress to build a public house at Little Rock.

Which resolution was rejected.

Mr. *Wolf*, pursuant to notice previously given, asked and obtained leave to introduce a bill, to be entitled an act supplementary to the several laws concerning Strays; which was read a first time and ordered to a second reading.

Mr. *Clark*, pursuant to notice previously given, asked and obtained leave to introduce a bill, to be entitled an act for the relief of Mary Sims; which was read a first time and ordered to a second reading.

The bill, from the Legislative Council, entitled an act to increase the County Revenue, was called up, read a second time, and

On motion of Mr. *Brown*, laid upon the table.

The bill, to be entitled an act to amend the several laws now in force in this Territory regulating Revenue, on motion of Mr. *Menefee*, was called up, read a second time, committed to a Committee of the Whole, and made the order of the day for Tuesday.

The memorial, from the Legislative Council, to the Congress of the United States, praying an appropriation to build a Hospital at the Hot Springs, in this Territory, was read a second time and committed, on motion of Mr. *Hudspeth*, to a Select Committee, and Messrs. *Hudspeth*, *Menefee* and *Wilson*, were appointed that committee.

The bill, from the Legislative Council, entitled an act

regulating the fees of Sheriffs for taking the Territorial census, and for other purposes, was read a second time, and

On motion of Mr. *Rutherford*, committed to a Committee of the Whole, and made the order of the day for Tuesday.

The memorial to the Congress of the United States, praying a donation of land to each actual settler within a certain distance of the western and south-western frontier of the Territory of Arkansas, was read a second time, and

On motion of Mr. *Clark*, the rules of the House were dispensed with, and the memorial read a third time and PASSED.

The bill, to be entitled an act regulating challenges to Jurors, was read a second time, and

On motion of Mr. *Crutchfield*, committed to a Committee of the Whole, and made the order of the day Tuesday.

The memorial to the Congress of the United States, for an appropriation for the payment of the agents engaged in the selection of Seminary Lands, was read a second time and ordered to a third reading.

The memorial to the Congress of the United States, praying for the relief of sundry citizens of Arkansas, was taken up, read a second time, and ordered to a third reading.

Message from the Legislative Council, by Mr. *Boswell*.

Mr. Speaker—I am instructed to inform you, that the Legislative Council have concurred in the amendment made by the House of Representatives, to the bill, entitled an act to authorize William Lockhart to erect and build a Toll Bridge across the Saline river; and have passed a bill, from the House of Representatives, entitled an act to levy a tax in the county of Lawrence, for the purpose of building a Jail in said county—both of which are herewith returned. And, also, that they have passed a bill, entitled an act supplementary to an act providing for the election of all civil officers of this Territory, prescribing their duties, oaths and emoluments, and the manner and time of holding elections, and for other purposes, approved 16th Nov. 1827; which is also herewith transmitted for your concurrence.

Which said last mentioned bill was read and ordered to a second reading.

The bill, to be entitled an act to erect and establish a new county, to be made of parts of the counties of Conway, Independence and Izard, was read a second time, and

On motion of Mr. *Manly*, committed to a Committee of the Whole, and made the order of the day for Tuesday.

The memorial to the Congress of the United States, praying an appropriation to open a road from Helena to the interior of the Territory of Arkansas, intersecting the Military road from Memphis to Little Rock, was read a second time and ordered to a third reading.

The bill, to be entitled an act to define the time of holding Circuit Courts, was read a second time, and

On motion of Mr. *Wilson*, referred to the Committee on the Judiciary.

The bill, to be entitled an act concerning suits on penal bonds; the bill, to be entitled an act to abolish imprisonment for debt; and the bill, to be entitled an act supplementary to an act passed Nov. 2d, 1829, to erect and establish the county of Jefferson—were severally read the third time, PASSED, and sent to the Legislative Council for concurrence.

The bill, entitled an act to extend the jurisdiction of Constables, was then taken up in Committee of the Whole, Mr. *Smith* in the chair; and, after some time spent thereon, the committee rose and reported the bill, with an amendment, to wit: By striking out the first section, with the enacting clause.

And the question on the adoption of the said amendment being called for, was decided by yeas and nays, as follows:

Yeas.—Messrs. Brown, Calvert, Clark, Crutchfield, Fillingim, Hudspeth, Livingston, Magness, Menefee, Manly, Rutherford, Scott of Hempstead, Scott of Pope, Smith, Stilwell, Talbot, Wilson, and Wolf.—18.

Nays.—Messrs. Pope, Whinnery, and Mr. Speaker.—3.

Message from the Legislative Council, by Mr. *Blount*.

Mr. *Speaker*—I am instructed to inform you, that the Legislative Council have adopted the report of the Joint Committee appointed to examine the Treasurer's and Auditor's Books, and have passed the following resolution:

Resolved, That the Committee on the Auditor's and

Treasurer's Books be instructed to burn the Scrip redeemed at the Treasury, and that the Speaker of the House of Representatives be instructed to enter the word SATISFIED, on the warrants and vouchers examined by the committee, and sign the same, and return them to the respective offices; and ask your concurrence therein.

On motion of Mr. *Hudspeth*, the House resolved itself into a Committee of the Whole, Mr. *Scott* of Pope in the chair, on the bill, entitled an act to repeal the several acts now in force concerning writs of certiorari, and for other purposes; and, after some time spent thereon, the committee rose and reported the bill, with amendments, which were agreed to by the House.

Message from the Legislative Council, by Mr. *McAmy*.

Mr. Speaker—SIR: I am instructed to inform you, that the Legislative Council have agreed to the resolution of the House of Representatives, restricting the introduction of bills after the 24th inst., with the following amendment:—Strike out the word "fourth," and insert the word "ninth." And ask your concurrence to said amendment.

Which was concurred in by the House.

The memorial to the Congress of the United States, for a road from Jefferson Barracks, in the State of Missouri, by Fort Smith, to the vicinity of Old Fort Towson, on Red river, was read a third time and PASSED.

On motion of Mr. *Rutherford*, the House then resolved itself into a Committee of the Whole, Mr. *Gibson* in the chair, on the bill, to be entitled an act to fix the rate of interest on notes and obligations; and, after some time spent thereon, the committee rose and reported the following amendment, viz: Strike out the first section, with the enacting clause.

Which amendment was concurred in by the House.

On motion of Mr. *Menefee*, the House again resolved itself into a Committee of the Whole, Mr. *Livingston* in the chair, on the bill, to be entitled an act to prevent the killing of deer at certain seasons of the year; and, after some time spent thereon, the committee rose and reported the following amendment, viz: Strike out the first section, with the enacting clause.

And the question being taken on agreeing to said

amendment, it was decided in the affirmative, by yeas and nays, as follows:

Yeas.—Messrs. Brown, Calvert, Clark, Fillingim, Gibson, Hudspeth, Holland, Livingston, Magness, Pope, Rutherford, Stilwell, Whinnery, and Mr. Speaker.—14.

Nays.—Messrs. Crutchfield, Manly, Menefee, Scott of Pope, Scott of Hempstead, Smith, Talbot, and Wilson.—8.
And the House adjourned.

LEGISLATIVE COUNCIL.

Tuesday, October 25, 1831.

Mr. Collins presented the petition of Loretta Piles, alias Loretta Elkins, praying to be divorced from her husband, Overton Piles; which was read and referred to a Select Committee of Messrs. Collins, Orr, and Wells.

Mr. Douglass, from the Joint Committee on Enrollments, reported, that the committee had examined the following enrolled bills, to wit: An act better to designate the line between the counties of Izard and Washington, and for other purposes; an act supplementary to an act permanently to locate the Seat of Justice for the county of Union, approved Nov. 2d, 1829; an act for the relief of Edward Smith; an act to locate the Seat of Justice in Jackson county, and for other purposes; a memorial to the Congress of the United States, for a further appropriation of \$20,000 to repair the road from a point opposite Memphis, (Tenn.) to Little Rock; an act to authorize the removal of the administrations on the estates of Joseph Janes and James Kuykendall, deceased, to the counties of Clark and Independence; an act permanently to locate the Seat of Justice of Crittenden county; a memorial to the Congress of the United States, praying the extension of the road from Washington, in Hempstead county, to Jackson, in Lawrence county; an act giving to Jurors that discretionary power in criminal cases heretofore given to the Judges of the Circuit Courts; an act to prevent certain persons from giving evidence in this Territory; an act permanently to fix the Seat of Justice in the county of Sevier, and appointing trustees for the same. And had found them all truly and correctly enrolled.

Mr. *Hartfield*, from the Select Committee, which was referred a resolution on that subject, reported a memorial to the Congress of the United States, for the relief of sundry persons who suffered by the late Choctaw treaties; which was read, and, the rules being dispensed with, PASSED, and ordered to be sent to the House of Representatives for their concurrence.

Mr. *Witter* asked and obtained leave to introduce bills with the following titles, viz: An act to authorize judgment creditors to issue garnishments in certain cases, and an act to repeal an act entitled an act preventing constables from executing and selling negro slaves, and for other purposes; which were read and ordered to a second reading.

On motion of Mr. *Farrelly*,

Resolved, That a Select Committee be appointed to inquire into the expediency of memorializing the Congress of the United States, for an appropriation to open a road from the Mouth of White river to the lower end of the Grand Prairie, in Arkansas county.

And Messrs. *Farrelly*, *Hackett*, and *Boswell*, were appointed to constitute said committee.

On motion of Mr. *Ingram*, it was

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of requiring the Judges of the Circuit Courts to hold three terms of their Courts annually.

The following resolution from the House of Representatives, viz:

Resolved, That the House of Representatives invite the Legislative Council to meet them in the Legislative Hall, on Friday next, for the purpose of electing an Auditor and Treasurer for the Territory, together with Justices of the Peace for said Territory.

On motion of Mr. *Lincecum*, was laid on the table.

The engrossed bills, from the House of Representatives, entitled an act to abolish imprisonment for debt; an act permanently to locate the Seat of Justice in the county of Miller, and more distinctly to define the boundary lines of said county; an act supplementary to the several laws now in force concerning roads and highways; an act re-enacting and declaring in force that part of

second and ~~the~~ whole of the third section of the act entitled an act to suppress the practice of duelling, approved October 23d, 1820, and repealing the act entitled an act to repeal a part of the second and the whole of the third section of an act to suppress the practice of duelling, approved Oct. 27th, 1825; and the bill, entitled an act for the relief of Dickson P. Collins and Eli Bell, of Crawford county—were severally read a second time, committed to a Committee of the Whole, and made the order of the day for to-morrow.

The engrossed bills, from the House of Representatives, entitled an act concerning suits on penal bonds, and other writings under seal; and an act for the relief of Richard C. Byrd, Auditor of this Territory—were severally read a second time, committed to a Committee of the Whole, and made the order of the day for Thursday next.

A message from the House of Representatives, by Mr. Clark.

Mr. President—I am instructed to inform you, that a memorial to the Congress of the United States, praying a grant of a quarter section of land to each actual settler within a certain distance of the western border of the Territory of Arkansas, has passed in the House of Representatives; which is transmitted for concurrence.

Which memorial was read, and the rules being dispensed with, PASSED, and ordered to be returned to the House of Representatives.

The engrossed bill, from the House of Representatives, entitled an act supplementary to an act passed Nov. 2d, 1829, to erect and establish the county of Jefferson, was read a second time, and

On motion of Mr. Farrelly, committed to a Select Committee, consisting of Messrs. Farrelly, Hackett, and Ingram.

Messages were received from the House of Representatives, informing the Legislative Council, that bills with the following titles have been this day introduced into the House, viz: A bill, to be entitled an act to dissolve the bonds of matrimony between Beverly Stubblefield and Nancy W. Stubblefield, and between Gideon Dunn and

Nester Dunn; and an act for the relief of **John Hays**. Also, that the House passed, on yesterday, a memorial to the Congress of the United States, for a road leading from Red river, through the counties of Sevier, Crawford and Washington, on the direction to Jefferson Barracks, in Missouri, with some amendments, which are attached thereto, and herewith transmitted for concurrence;—which amendments were read and concurred in, and ordered that the House be informed thereof. The Council were also informed, that the House have agreed to the amendments of the Council, to the bill, entitled an act to regulate the Practice of Medicine and Surgery; and that they have passed the memorial to the Congress of the United States, praying an appropriation to open a road from Helena to the interior of Arkansas, intersecting the Military road from Memphis to Little Rock; which is herewith returned. Also, that they have passed a memorial, praying for the relief of sundry citizens in Arkansas; and herewith send the same to the Council.

The bill, entitled an act to make certain alterations in the western boundary line of Jackson county, was read a second time, and

On motion of **Mr. Boswell**, laid on the table until the first day of January next:

A message from the GOVERNOR, by **Jesse Brown**, one of his Private Secretaries:

To the President and Members of the Legislative Council of the Territory of Arkansas.

GENTLEMEN—The bill, entitled “An act to alter and establish permanently the boundary line between the counties of St. Francis and Crittenden,” has been presented to me; and, upon consideration, I deem it proper to return it to you, with my objections.

I am not prepared to say, that it would not be operative in its present shape. The Organic Law provides, that the Legislative power shall be vested in a General Assembly; and the laws heretofore passed, have been in the name and by the authority of the General Assembly of the Territory of Arkansas. The words and stile, “By the General Assembly of the Territory of Arkansas,” are omitted in the above recited bill. Without deciding the question of its validity in the form presented, it would seem to me better that the usual stile in the caption or enacting clause should be observed,

and this bill, if passed into a law, should conform in the above respect to the acts heretofore passed. Understanding also, that it is generally expected and desired by the Members of the two Houses, that the bill should be returned for the purpose of having the omission supplied, I now return it to your House, in which it originated.

I object to the passage of this bill, because, in the enacting clause, the words "By the General Assembly of the Territory of Arkansas," are omitted.

JOHN POPE.

October the 25th, 1831.

The memorials to the Congress of the United States, for an appropriation for a road from Strong's to Batesville, and for an appropriation to improve the navigation of White river, were severally read a second time, and the rules being dispensed with, PASSED, and ordered to be sent to the House of Representatives.

The engrossed bill, from the House of Representatives, entitled an act to regulate the Practice of Medicine and Surgery, was read the third time and PASSED.

The engrossed bill, entitled an act further to regulate the duties of Executors and Administrators, was read a third time.

Mr. McKenzie moved to lay the bill on the table until the first day of December next; which motion was negatived; and the bill PASSED, with the title aforesaid, striking out the words "A bill, entitled."

Ordered, That Mr. Sinclear transmit the same to the House of Representatives, and ask their concurrence.

On motion, the Legislative Council then resolved itself into a Committee of the Whole, Mr. Hughes in the chair, on the bill, entitled an act to erect and establish the county of ; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. Hughes reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the same, with sundry amendments.

Which amendments were adopted, and

On motion of Mr. Boswell, the bill ordered to lie on the table.

On motion of Mr. *Sinclear*, the Legislative Council then resolved itself into a Committee of the Whole, Mr. *McAmy* in the chair, on the bill, entitled an act to prevent malicious prosecutions; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. *McAmy* reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and instructed him to report the same, without amendment.

Which report was received and the committee discharged from the further consideration thereof.

And then, on motion of Mr. *Sinclear*, the bill was re-committed to a Select Committee, consisting of Messrs. *Sinclear*, *Orr*, *Hackett*, and *Farrelly*.

Mr. *Douglass* moved to take up the bill, entitled an act to extend the jurisdiction of Justices of the Peace in matters of a civil nature; which was taken up, read, amended, and ordered to be engrossed and read a third time to-morrow.

Mr. *Hackett* presented the petition of Creed Taylor, Sheriff of Jefferson county, praying relief; which was read and referred to a Select Committee, consisting of Messrs. *Hackett*, *McAmy*, and *Farrelly*.

And then, on motion of Mr. *Hughes*, the Legislative Council adjourned.

HOUSE OF REPRESENTATIVES.

Mr. *Pope*, from the Committee on the Judiciary, made the following REPORT:

The Committee on the Judiciary, to whom was referred a bill, to be entitled an act supplementary to an act entitled an act regulating the collection of taxes on Military Bounty Lands, have, according to order, had the same under consideration; and now beg leave to report the same, without amendment.

Mr. *Scott* of Hempstead, of the Select Committee to whom was referred the propriety of opening a road from Point Chicot to Paraclista, in this Territory, asked and obtained leave to report by memorial; which was read and ordered to a second reading.

Mr. Menefee, from the Select Committee to whom was referred the memorial to the Congress of the United States, to erect a Hospital at the Hot Springs, reported, that they had had the same under consideration, and offered some amendments; which was read, and the rules of the House being dispensed with, read a second time and ordered to be engrossed for a third reading to-morrow.

Mr. Brown, from the Joint Committee to examine Enrolled Bills, reported, that they had examined the following, and found them to be correctly enrolled, viz: An act supplementary to an act permanently to locate the Seat of Justice for the county of Union, approved Nov. 2d, 1829; an act for the relief of Edward Smith; a memorial to the Congress of the United States; an act better to designate the line between the counties of Izard and Washington, and for other purposes; an act to locate the Seat of Justice in Jackson county, and for other purposes; an act giving to Jurors that discretionary power in criminal cases heretofore given to the Judges of the Circuit Courts; a memorial to the Congress of the United States; an act permanently to locate the Seat of Justice in the county of Sevier, and appointing trustees for the same; an act to prevent certain persons from giving evidence against white persons; an act to authorize the removal of the administration on the estates of Joseph Janes and James Kuykendall, deceased, to the counties of Clark and Independence; and an act permanently to locate the Seat of Justice of Crittenden county. All of which were severally signed by the Speaker.

Mr. Brown, from the Select Committee to whom was referred the bill, to be entitled an act to enable judgment creditors to collect their debts with more facility, reported the same, with some amendments, which were agreed to by the House, and the amendments ordered to be engrossed for a third reading to-morrow.

Mr. Clark, in pursuance of notice previously given, asked and obtained leave to introduce a bill, to be entitled an act for the relief of John Hays; which was read

and referred to the Committee on the Judiciary.

Mr. *Hanks*, in pursuance to notice previously given, asked and obtained leave to introduce a bill, to be entitled an act to dissolve the bonds of matrimony between Beverly Stubblefield and Nancy W. Stubblefield, and between Gideon Dunn and Hester Dunn; which was read a first and second time, and referred to the Committee on the Judiciary.

Mr. *Manly*, from the Committee on the Judiciary, to whom was referred the petitions of sundry persons, for divorces, made the following REPORT:

The committee have, according to order, had the same under consideration, and have instructed me to report, that, after giving the subject of the petitioners that attention which should ever be paid a respectful address to this General Assembly, that the petitioners may require a redress of their grievances; yet, as the Courts of Justice are made, by the wisdom of this government, easy of access, that the poorest persons in the community may have justice meted to them, and as the Courts of Justice are vested with full power to investigate as cases may occur—as such your committee are of the opinion that the Courts are the only proper sources to apply to for relief in those cases.

Which report was concurred in.

The GOVERNOR, by a message, informed the House, that he had approved and signed the following bills, viz: An act for the relief of Joseph Carnes; an act to repeal an act entitled an act for the opening of a road from Washington, Hempstead county, to Cote Fabre, in the county of Union; an act to revive certain provisions of an act entitled an act to erect and establish the county of Pope; an act authorizing Emzy Wilson to erect and build a Toll Bridge across Palarm bayou; an act supplementary to an act to elect commissioners to locate the Seat of Justice of the county of Clark, approved Nov. 21, 1829; an act for the relief of Chilo A. Moltier; an act to tax clock pedlars vending such articles within the limits of this Territory; and an act to regulate Attornies fees.

Mr. *Brown* introduced a bill, entitled an act to revise, consolidate and amend the several acts relative to Justices of the Peace and Constables; which was read

Mr. *Menefee* moved that the bill be rejected; and the question thereon being taken, it was decided in the affirmative, by yeas and nays, as follows:

Yeas.—Messrs. Calvert, Clark, Gibson, Hanks, Holland, Hudspeth, Livingston, Magness, Menefee, Scott of Pope, Smith, Stilwell, Talbot, Whinnery, and Mr. Speaker.—15.

Nays.—Messrs. Brown, Crutchfield, Fillingim, Manly, Pope, Rutherford, Wilson, and Wolf.—8.

The memorial to the Congress of the United States, praying a pre-emption to be extended to the citizens of Arkansas, was taken up, read a second time, and ordered to be engrossed for a third reading to-morrow.

The bill, entitled an act to repeal part of the eighth section of the Revenue Law in Geyer's Digest, was read a second time, and

On motion of Mr. *Menefee*, indefinitely postponed.

The bill, entitled an act to exempt improvements from execution, was read a second time, and

On motion of Mr. *Manly*, indefinitely postponed, by yeas and nays, as follows:

Yeas.—Messrs. Brown, Calvert, Crutchfield, Fillingim, Gibson, Hanks, Hudspeth, Livingston, Magness, Manly, Menefee, Pope, Rutherford, Scott of Pope, Scott of Hempstead, Smith, Stilwell, Talbot, Whinnery, Wilson, and Wolf.—21.

Nays.—Messrs. Clark, Holland, and Mr. Speaker.—3.

A message from the Legislative Council, by Mr. *Lincecum*.

Mr. *Speaker*—I am instructed to inform you, that the Legislative Council have agreed to the amendments made by the House of Representatives, to a memorial which originated in the Legislative Council, praying from the Congress of the United States, the opening of a road from Jefferson Barracks, in the State of Missouri, by Fort Smith, to the vicinity of Old Fort Towson, on Red river.

On motion of Mr. *Crutchfield*, the adoption of the report of the Committee on the Judiciary, made this day by Mr. *Manly*, on the subject of divorces, was reconsidered, and the Committee on the Judiciary withdrew said report.

The bill, to be entitled an act to call in the Territorial Scrip now in circulation, and for other purposes, was taken up, read a second time, and

On motion of *Mr. Manly*, committed to a Committee of the Whole, and made the order of the day for to-morrow.

The bill, to be entitled an act supplementary to the several laws concerning Strays, was taken up, read a second time, and

On motion of *Mr. Wolf*, committed to a Committee of the Whole, and made the order of the day for to-morrow.

The bill, to be entitled an act for the relief of *Mary Griffin*, was taken up, read a second time, and

On motion of *Mr. Wilson*, referred to the Committee on the Judiciary.

The bill, from the Legislative Council, entitled an act supplementary to an act providing for the election of all civil officers of this Territory, prescribing their duties, oaths and emoluments, and the manner and time of holding elections, and for other purposes, approved 16th Nov. 1829, was taken up, read a second time, and ordered to a third reading.

A message from the Legislative Council, by *Mr. Patton*.

Mr. Speaker—I am instructed to inform you, that the Legislative Council have passed a bill, from the House of Representatives, entitled an act regulating the Practice of Medicine and Surgery, with some amendments; which is herewith returned, and ask your concurrence to the amendments thereunto made.

A message from the Legislative Council, by *Mr. Orr*.

Mr. Speaker—I am instructed to inform you, that the Legislative Council have passed memorials, on the following subjects, to the Congress of the United States: For an appropriation to improve the navigation of White river; and for an appropriation to open a road from Strong's to Batesville; which are herewith transmitted for your concurrence.

The amendments made in the Legislative Council, to the bill, entitled an act to regulate the Practice of Medicine and Surgery, were then taken up, considered, and agreed to.

The memorial to the Congress of the United States, praying an appropriation to open a road from Helena to the interior of Arkansas, intersecting the Military road from Memphis to Little Rock, was taken up, read a third time and PASSED.

The bill, from the Legislative Council, entitled an act to repeal the several acts now in force in this Territory concerning writs of certiorari and for other purposes, was taken up, read a third time, **PASSED** with amendments, and returned to the Legislative Council for concurrence in said amendments.

The memorial to the Congress of the United States, for an appropriation to improve the navigation of White river, was read the first time and ordered to a second reading to-morrow.

The memorial, from the Legislative Council, to the Congress of the United States, for an appropriation to open a road from Strong's to Batesville, was read a first time and ordered to a second reading.

The memorial, from the Legislative Council, to the Congress of the United States, for an appropriation for the payment of the agents engaged in the selection of the Seminary Lands, was taken up, read a second time, and

On motion of Mr. *Wilson*, referred to a Select Committee of Messrs. *Wilson*, *Crutchfield*, and *Hudspeth*.

The memorial to the Congress of the United States, praying a pre-emption right to be extended to citizens of Arkansas, was taken up, read a second time, and ordered to be engrossed for a third reading.

On motion of Mr. *Rutherford*, the House formed itself into a Committee of the Whole, on the bill, from the Legislative Council, entitled an act regulating the fees of Sheriffs for taking the Territorial census, and for other purposes, Mr. *Wolf* in the chair; and, after some time spent thereon, the committee rose and reported some amendments, which were agreed to by the House, and

On motion of Mr. *Menefee*, the rules of the House were dispensed with, and the bill read a third time, **PASSED**, and sent to the Legislative Council for concurrence in the amendments.

Message from the Legislative Council, by Mr. *Sinclear*.

Mr. *Speaker*—I am instructed to inform you, that the Legislative Council have passed memorials on the following subjects, viz: To the Congress of the United States, ask-

ing relief for the persons who have suffered by the late Choctaw treaties, and one asking a grant of one quarter section of land to each settler within a certain distance of the western frontier of the Territory of Arkansas; and, also, a bill, entitled an act further to regulate the duties of Executors and Administrators;—all of which are herewith transmitted for your concurrence.

The memorial, from the Legislative Council, praying for an appropriation from the Congress of the United States, to improve the navigation of White river, was taken up, read a first time, and the rules of the House being dispensed with, it was read a second and third time and PASSED.

The bill, from the Council, entitled an act further to regulate the duties of Executors and Administrators, was taken up, read a first time, and ordered to a second reading.

The bill, entitled an act to allow to the Clerks and Sheriffs of the several counties an annual compensation for county services, and fees in criminal cases, was read, and

On motion of Mr. *Crutchfield*, indefinitely postponed, by yeas and nays, as follows:

Yeas.—Messrs. Brown, Calvert, Crutchfield, Fillingim, Hanks, Holland, Hudspeth, Livingston, Magness, Manly, Menefee, Rutherford, Scott of Hempstead, Scott of Pope, Smith, Stilwell, Talbot, and Wilson.—18.

Nays.—Messrs. Clark, Gibson, Pope, Whinnery, Wolf, and Mr. Speaker.—6.

On motion of Mr. *Menefee*, the House resolved itself into a Committee of the Whole, Mr. *Scott of Pope* in the chair, on the bill, to be entitled an act to amend the several laws now in force in this Territory regulating Revenue; and, after some time spent thereon, the committee rose and reported some amendments, which were agreed to by the House, and

On motion of Mr. *Menefee*, the bill was ordered to be engrossed for a third reading to-morrow.

On motion, the House adjourned.

LEGISLATIVE COUNCIL.

Wednesday, October 26, 1831.

Mr. *Farrelly*, from the Select Committee to which was referred a resolution upon that subject, reported a me-

memorial to the Congress of the United States, for an appropriation to open a road from the Mouth of White river to the lower end of the Grand Prairie, in Arkansas county; which was read the first time and ordered to a second reading.

Mr. McAmy, from the Select Committee to whom was referred so much of the Governor's message as relates to the subject, reported a bill, entitled an act to apportion the representation among the several counties of this Territory for the year 1833; which was read the first time and ordered to a second reading.

The Legislative Council were informed by messages from the House of Representatives, that the House have agreed to the resolution accompanying the report of the Committee on the Auditor's and Treasurer's Books.—Also, that the House have passed a memorial, No. 10, from the Legislative Council, for the relief of persons who suffered in the late Choctaw treaties; which is herewith returned.—A bill, to be entitled an act regulating the fees of Sheriffs for taking the Territorial census, and for other purposes, with an amendment; which is transmitted for your concurrence thereto.—A memorial, from the Legislative Council, to the Congress of the United States, for an appropriation to open a road from Strong's to Batesville; and a memorial, from the Legislative Council, to the Congress of the United States, for an appropriation to improve the navigation of White river;—both of which are herewith returned to the Legislative Council. Also, that the House have agreed to the amendment made in the Legislative Council, to the bill, entitled an act to regulate the Practice of Medicine and Surgery; and that they have amended and passed the bill, from the Legislative Council, entitled an act to repeal the several acts now in force in this Territory concerning writs of certiorari, and for other purposes; which is herewith transmitted to the Council for concurrence.

Mr. Collins asked and obtained leave to introduce a bill, entitled an act changing certain Revenue; which was read a first time and ordered to a second reading.

Mr. *McAmy* offered the following preamble and resolution:

WHEREAS, by an act of the Congress of the United States, approved the 2d day of March, 1831, there was granted to the Territory of Arkansas a quantity of the unappropriated lands in this Territory, to be selected in quantities not less than one quarter section, to be disposed of under the direction of the Legislature, and the monies arising therefrom appropriated for the erection of a public building at Little Rock, the Seat of Government of said Territory: Therefore—

Resolved, That a committee be appointed to introduce a bill, to authorize the Governor of this Territory to employ some competent person or persons to select said lands, and, when selected, to sell the same in quantities not less than one quarter section, and grant warrants to the purchasers of said land, under such rules and regulations as said committee may think proper.

And on the question, *Shall the resolution be adopted?* the yeas and nays being called for by Mr. *McAmy*, and, being ordered, stood as follows:

Yeas.—Messrs. Douglass, Hackett, Hartfield, Lincecum, *McAmy*, Tidwell, and Witter.—7

Nays.—Messrs. Blount, Boswell, Bridges, Collins, Farrelly, Hughes, Ingram, Orr, Patton, Pennington, Sinclear, Wells, Wolf, and Mr. President.—14.

And the resolution was rejected.

The bill, entitled an act to authorize judgement creditors to issue garnishments in certain cases, was read a second time, and

On motion of Mr. *Witter*, laid on the table.

The bill, entitled an act to repeal an act entitled an act preventing constables from executing and selling negro slaves, and for other purposes, was read a second time, and

On motion of Mr. *Witter*, committed to a Committee of the Whole, and made the order of the day for Monday next.

The engrossed bill, entitled an act to extend the jurisdiction of Justices of the Peace in matters of a civil nature, was read a third time and PASSED, with the title aforesaid, striking out the words "A bill, entitled."

Ordered, That Mr. *Douglass* transmit the same to the House of Representatives for their concurrence.

On motion, the Legislative Council then resolved it.

self into a Committee of the Whole, Mr. *McKenzie* in the chair, on the memorial to the Congress of the United States, for the relief of the innocent purchasers of French and Spanish confirmations; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. *McKenzie* reported, that the committee had, according to order, had under consideration the said memorial; that they had gone through the same, and had instructed him to report the same; without amendment.

Which report was received and the committee discharged from the further consideration thereof.

The memorial was then read a third time and PASSED.

Ordered, That Mr. *Douglass* transmit the same to the House of Representatives and ask their concurrence thereto.

On motion of Mr. *Sinclear*, the Legislative Council resolved itself into a Committee of the Whole, Mr. *Farrelly* in the chair, on the engrossed bill, from the House of Representatives, entitled an act supplementary to an act to provide for the leasing for a limited time the land reserved by the Congress of the United States for the support of Schools within each township in this Territory; approved Nov. 21st, 1829; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. *Farrelly* reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the same, without amendment.

Which report was received and the committee discharged from the further consideration thereof.

And then, on motion of Mr. *Lincecum*, it was committed to a Select Committee, consisting of Messrs. *Lincecum*, *Boswell*, *Farrelly*, *Hughes*, and *Blount*.

A message from the House of Representatives, by Mr. *Whinnery*.

Mr. *President*—I am instructed to inform you, that the House of Representatives have passed a memorial to the Congress of the United States, praying an appropriation for a road from Point Chicot to Paraclifta; and a memorial, praying a pre-emption to the citizens of Arkansas. They

have also passed an act, to enable judgement creditors to collect their debts with more facility; and an act to amend the several laws now in force regulating Revenue. They have also amended and passed the memorial, from the Legislative Council, to the Congress of the United States, for an appropriation to erect a Hospital at the Hot Springs. All of which are herewith transmitted for concurrence.

The two first of which memorials were read severally a first time, and the second reading being dispensed with, the former was committed to a Select Committee, consisting of Messrs. *Witter*, *Pennington*, and *Hartfield*, and the latter committed to a Committee of the Whole, and made the order of the day for to-morrow.

On motion, the Legislative Council then resolved itself into a Committee of the Whole, Mr. *Blount* in the chair, on the engrossed bill, from the House of Representatives, entitled an act to prevent Justices of the Peace from receiving money on judgements obtained before them in civil cases; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. *Blount* reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the same, without amendment.

Which report was received and the committee discharged from the further consideration thereof.

The bill was then recommitted to a Select Committee, consisting of Messrs. *Sinclear*, *McAmy*, *Farrelly*, and *Witter*.

Mr. *McKenzie* asked and obtained leave to introduce a bill, entitled an act appointing commissioners to contract for and superintend the building of a Jail and Jailor's House in the town of Helena; which was read the first time and ordered to a second reading.

And then the Legislative Council adjourned.

HOUSE OF REPRESENTATIVES.

Mr. *Rutherford* introduced a bill to incorporate the Baptist Church at Little Rock, and for other purposes; which was read a first and second time, and

On motion of Mr. *Scott* of Pope, committed to a Com-

mittee of the Whole, and made the order of the day for Thursday.

Mr. *Smith* introduced a bill to prevent persons from shooting in towns and villages, and on or near highways; which was read a first time, and the bill was,

On motion of Mr. *Scott* of Pope, rejected.

Mr. *Scott* of Pope introduced a memorial to the Congress of the United States, praying for the privilege of electing a Governor for the Territory of Arkansas to be extended to the people of said Territory; which was read a first time and ordered to a second reading.

The memorial, from the Legislative Council, praying an appropriation of fifteen thousand dollars to open a road from Strong's to Batesville, was read a second time, and the rules of the House being dispensed with, the memorial was read a third time and PASSED.

The bill, from the Legislative Council, entitled an act further to regulate the duties of Executors and Administrators, was read a second time, and

On motion of Mr. *Stilwell*, committed to a Committee of the Whole, and made the order of the day for Thursday.

The memorial to the Congress of the United States, praying for an appropriation for a road from Point Chicot through Cote Fabre and Washington to Paraclifta, was read a second time, and the rules of the House being dispensed with, the memorial was read a third time and PASSED.

The memorial, from the Legislative Council, to the Congress of the United States, praying for an appropriation to erect a Hospital at the Hot Springs, was read a third time, as amended, and PASSED.

The bill, entitled an act to enable judgement creditors to collect their debts with more facility, was read a third time and PASSED.

The memorial to the Congress of the United States, praying for an extension of the pre-emption law to the citizens of Arkansas, was read a third time and PASSED.

The bill, entitled an act to amend the several laws now in force in this Territory regulating Revenue, was then read a third time, and the question on the fina

passage of the bill being taken, it was decided in the affirmative, by yeas and nays, as follows, to wit:

Yeas.—Messrs. Calvert, Crutchfield, Fillingim, Gibson, Hanks, Holland, Hudspeth, Livingston, Magness, Manly, Menefee, Rutherford, Scott of Pope, Smith, and Stilwell.—15.

Nays.—Messrs. Brown, Clark, Pope, Scott of Hempstead, Talbot, Whinnery, Wilson, Wolf, and Mr. Speaker.—9.

On motion of Mr. *Wilson*, the House then resolved itself into a Committee of the Whole, Mr. *Scott of Pope* in the chair, on the bill, to be entitled an act regulating civil proceedings at common law; and, after some time spent thereon, the committee rose and reported the bill, with the following amendment, viz: Strike out the first section, with the enacting clause.

Which amendment was agreed to, and the bill was lost.

On motion of Mr. *Menefee*, the House then resolved itself into a Committee of the Whole, Mr. *Wilson* in the chair, on the bill, entitled an act to erect a new county out of parts of the counties of Conway, Independence and Izard; and, after some time spent thereon, the committee rose and reported the bill, with the following amendment, viz: Strike out the enacting clause.

Mr. *Menefee* moved to disagree to said amendment; and the question being taken on said motion, it was decided in the negative by yeas and nays, as follows:

Yeas.—Messrs. Holland, Livingston, Menefee, Rutherford, and Mr. Speaker.—5.

Nays.—Messrs. Brown, Calvert, Crutchfield, Fillingim, Hanks, Hudspeth, Magness, Manly, Pope, Scott of Hempstead, Scott of Pope, Smith, Stilwell, Talbot, Wilson, and Wolf.—16.

And so the bill was lost.

Message from the Legislative Council, by Mr. *Douglass*.

Mr. *Speaker*—I am instructed to inform you, that bills of the following titles have been introduced into the Legislative Council, to wit: An act to repeal an act entitled an act preventing Constables from executing and selling negro slaves, and for other purposes; an act to authorize judgment creditors to issue garnishments in certain cases; an act to apportion the representation of this Territory for the year 1833. Also, a memorial to the Congress of the United States, for an appropriation to open a road from the Mouth of White river to the lower end of Grand Prairie, in Arkan-

say county. And that they have passed a bill, entitled an act to extend the jurisdiction of Justices of the Peace in matters of a civil nature; and a memorial to the Congress of the United States, for the relief of innocent purchasers of French and Spanish Land claims;—which are herewith transmitted for your concurrence.

And the said bills and memorials were severally read a first time and ordered to a second reading.

On motion of Mr. *Pope*, the House then resolved itself into a Committee of the Whole, Mr. *Rutherford* in the chair, on the bill, to be entitled an act regulating challenges to Jurors; and, after some time spent thereon, the committee rose and reported the bill, with the following amendment, to wit: Strike out the enacting clause.

Which said amendment was agreed to by the House, and so the bill was lost.

Message from the Legislative Council, by Mr. *Hackett*.

Mr. *Speaker*—I am instructed to inform you, that the Legislative Council have agreed to the amendments made by the House of Representatives to a bill, entitled an act regulating the fees of Sheriffs for taking the Territorial census, and for other purposes.

On motion of Mr. *Wolf*, the House then resolved itself into a Committee of the Whole, Mr. *Clark* in the chair, on the bill, to be entitled an act supplementary to the several laws concerning Strays; and, after some time spent thereon, the committee rose and reported the bill, with an amendment in the following words, viz: Strike out the enacting clause.

Which amendment was agreed to by the House, and so the bill was lost.

On motion of Mr. *Manly*, the House then resolved itself into a Committee of the Whole, Mr. *Hudspeth* in the chair, on the bill, to be entitled an act to call in the Territorial Scrip now in circulation, and for other purposes; and, after some time spent thereon, the committee rose and reported the bill, with sundry amendments, which were concurred in by the House, and the bill ordered to be engrossed for a third reading to-morrow.

The memorial, from the Legislative Council, praying an appropriation of five thousand dollars, to improve the navigation of White river, was read, and the rules

being dispensed with, the memorial was read the third time and PASSED.

And, on motion, the House adjourned.

LEGISLATIVE COUNCIL.

Thursday, October 27, 1831.

Mr. *Boswell* asked and obtained leave to introduce a bill, entitled an act better to define the line between Independence county and Izard county; and

Mr. *Tidwell* to introduce a bill, entitled an act for the relief of the Clerk of Jackson county.

Which were severally read the first time and ordered to a second reading.

Mr. *Farrelly*, from the Select Committee raised by a resolution for that purpose, reported a bill, entitled an act providing for the location of Seats of Justice; which was read the first time and ordered to a second reading.

Mr. *Farrelly*, from the Select Committee to which was re-committed the engrossed bill, from the House of Representatives, entitled an act supplementary to an act passed Nov. 2d, 1829, to erect and establish the county of Jefferson, reported the same, without amendment; which was then read the third time and PASSED.

Ordered, That Mr. *Orr* transmit the same to the House of Representatives.

The Legislative Council were informed by messages from the House of Representatives, that bills of the following titles have been introduced into the House, to wit: A bill, to be entitled an act to reduce the tax on horses and cattle; and a bill, to be entitled an act to define in part the duties of Sheriffs and Constables, and for other purposes. Also, that the House have passed the following memorial, to wit: Memorial to the Congress of the United States, for an appropriation to open a road from the Mouth of White river to the lower end of the Grand Prairie, in Arkansas county; and herewith transmit the same to the Legislative Council.

The amendments of the House of Representatives to the bill, from the Legislative Council, entitled an act to repeal the several acts now in force in this Territory con-

cerning writs of certiorari, and for other purposes, were agreed to.

The amendment of the House of Representatives to the memorial, from the Legislative Council, to the Congress of the United States, for an appropriation to erect a Hospital at the Hot Springs, was read and concurred in.

Ordered, That Mr. *Hughes* inform the House of Representatives thereof.

The engrossed bills, from the House of Representatives, entitled an act to amend the several laws now in force regulating Revenue; and an act to enable judgment creditors to collect their debts with more facility—were severally read the first time and ordered to a second reading.

The bills, entitled an act to apportion the representation among the several counties of this Territory for the year 1833; and an act changing certain Revenue—were severally read a second time, committed to a Committee of the Whole, and made the order of the day for to-morrow.

A message from the GOVERNOR, by Jesse Brown, one of his Private Secretaries.

Mr. President—I am instructed to inform your honorable body, that the Governor did, on the 26th of Oct. 1831, approve and sign the following bills, which originated in the Legislative Council: An act for the relief of Edward Smith; an act supplementary to an act permanently to locate the Seat of Justice for the county of Union; an act better to designate the line between the counties of Izaard and Washington, and for other purposes; an act to locate the Seat of Justice in Jackson county, and for other purposes; and a memorial to Congress, praying for an appropriation for the repair and improvement of the road from Memphis to Little Rock.

The bill, entitled an act appointing commissioners to contract for and superintend the building a Jail and Jailor's House in the town of Helena, was read a second time, and ordered to a third reading to-morrow.

The memorial to the Congress of the United States, for an appropriation to open a road from the Mouth of White river to the lower end of Grand Prairie, in Arkansas county, was read a second time, and the rules being dispensed with, read a third time by title, and PASSED.

Ordered, That Mr. *Ingram* transmit the same to the House of Representatives, and ask their concurrence therein.

On motion, the Legislative Council then resolved itself into a Committee of the Whole, Mr. *Hughes* in the chair, on the engrossed bill, from the House of Representatives, entitled an act to abolish imprisonment for debt; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. *Hughes* reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the same, with an amendment, (striking out the first section, with the enacting clause.)

The question was then put on the adoption of said amendment, and the yeas and nays being called for by Mr. *Farrelly*, stood as follows, to wit:

Yeas.—Messrs. Boswell, Douglass, Hughes, McAmy, McKenzie, Orr, Sinclear, Wells, Witter, and Wolf.—10.

Nays.—Messrs. Blount, Bridges, Collins, Farrelly, Hackett, Hartfield, Ingram, Lincecum, Patton, Pennington, Tidwell, and Mr. President.—12.

And the amendment was rejected.

Then, on motion of Mr. *Sinclear*, the bill was re-committed to a Select Committee of Messrs. *Sinclear*, *Farrelly*, *Bridges*, *Witter*, and *Patton*.

Mr. *Sinclear* then moved to add Mr. *Wolf* to said committee, which was objected to; and the question being taken thereon, it was decided in the negative.

A message from the House of Representatives, by Mr. *Magness*.

Mr. *President*—I am instructed to inform you, that the House of Representatives have passed the following bills and memorials, to wit: An act to call in the Territorial Scrip, and for other purposes; an act to dissolve the bonds of matrimony between Beverly Stubblefield and Nancy W. Stubblefield, and between Gideon Dunn and Hester Dunn; a memorial to the Congress of the United States, praying for the privilege of electing a Governor; a memorial, from the Legislative Council, to the Congress of the United States, for the payment of the agents engaged in the selection of the Seminary Lands, with an amendment, in which your concurrence is asked. Also, a memorial for the relief of innocent purchasers of French and Spanish claims. All of which

are herewith transmitted to the Legislative Council for your concurrence.

The first of which bills, and the first mentioned memorial, were severally read the first time and ordered to a second reading. The amendment of the House of Representatives to the second mentioned memorial was agreed to; and the second bill mentioned was read the first time, the second dispensed with, and on motion of Mr. Bridges, read a third time by title: and on the question, *Shall the bill pass?* Mr. Blount called for the ayes and noes, which stood as follows, to wit:

Ayes.—Messrs. Bridges, Douglass, Farrelly, Hartfield, Hughes, Ingram, Lincecum, Patton, Pennington, Tidwell, Witter, and Mr. President.—12.

Noes.—Messrs. Blount, Boswell, Collins, Hackett, McAmy, McKenzie, Orr, Sinclear, Wells, and Wolf.—10.

And the bill PASSED, and was ordered to be returned to the House of Representatives.

Mr. Farrelly, from the Joint Committee on the Auditor's and Treasurer's Books, made the following

REPORT:

Mr. President—The Joint Committee on the Auditor's and Treasurer's Books, have, according to order, burnt all the Scrip redeemed at the Treasury, amounting to \$13,319 80½. There yet remains in their possession \$444 79, for which no receipts are filed.

Resolved, That the committee on the Auditor's and Treasurer's Books be instructed to burn, of the Scrip remaining in the Treasury, the sum of \$414 06, being the sum credited by the committee to the former Sheriff of Hempstead county, and the Treasurer be discharged from further accountability for that sum; and that the committee balance the Treasurer's Books accordingly.

Which report was received and the resolution adopted.

On motion of Mr. Wolf,

Resolved, That a Select Committee be appointed to take into consideration the expediency of memorializing the Congress of the United States, for an appropriation to open a road from Jackson, Lawrence county, by Izard C. H. to Fayetteville, Washington county.

And Messrs. Wolf, Tidwell, and McAmy, were appointed to compose said committee.

On motion of Mr. Sinclear, the Legislative Council then resolved itself into a Committee of the Whole, Mr.

Ingram in the chair, on the bill, from the House of Representatives, entitled an act permanently to locate the Seat of Justice in the county of Miller, and more distinctly to define the boundary lines of said county; and, after some time spent thereon, the committee rose, and the President having resumed the chair,

Mr. *Ingram* reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the same, without amendment.

Which report was received and the committee discharged from the further consideration thereof.

The bill was then read a third time, PASSED, and ordered to be returned to the House of Representatives.

On motion of Mr. *Boswell*, the Legislative Council then resolved itself into a Committee of the Whole, Mr. *Tidwell* in the chair, on the bill, from the House of Representatives, entitled an act supplementary to the several laws now in force concerning roads and highways; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. *Tidwell* reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the same, with an amendment, (striking out all after the enacting clause.)

Which report was received and the amendment adopted.

Then, on motion of Mr. *Boswell*, the bill was re-committed to a Select Committee, consisting of Messrs. *Boswell*, *Wolf*, and *Farrelly*.

And then, on motion of Mr. *Orr*, the Legislative Council adjourned.

HOUSE OF REPRESENTATIVES.

Mr. *Wilson*, from the Select Committee to whom was referred the memorial asking for an appropriation for the payment of the agents for the selection of Seminary Lands, reported the said memorial to the House, with an amendment; which amendment was concurred in.

Mr. Rutherford, from the Select Committee to whom was referred the petition of sundry citizens of Pulaski county, praying to be stricken off into a separate county, reported:

That, after having the same under consideration, they have no hesitancy in reporting that it is highly expedient to grant the said petitioners a county, as set forth in their petition, and beg leave to introduce the following resolution:

Resolved, That a Select Committee be appointed to draft a bill, erecting that portion of the county of Pulaski, as set forth in said petition, into a separate county, to be known and called by the name of ———,

Which was read and disagreed to, by yeas and nays, as follows:

Yeas.—Messrs. Brown, Calvert, Clark. Fillingim, Hanks, Hudspeth, Magness, Manly, Pope, Scott of Hempstead, Scott of Pope, Smith, Stilwell, Talbot, Whinnery, Wilson, and Wolf.—17.

Nays.—Messrs. Crutchfield, Gibson, Holland, Livingston, Menefee, Rutherford, and Mr. Speaker.—7.

And so the resolution was lost.

Mr. Crutchfield, from the Committee on the Judiciary, to which the bill, entitled an act to dissolve the bonds of matrimony between Beverly Stubblefield and Nancy W. Stubblefield and between Gideon Dunn and Hester Dunn, made the following Report:

Your committee have paid to this bill more than ordinary attention, because the cases therein provided for presented a more imposing aspect than any which have come before them. The sense of this House, so frequently expressed, determined your committee narrowly to investigate all cases of this kind presented for their consideration, and not to report favorably upon any case of divorce which by the laws of the land were or could be relievable. It appears from the statement accompanying this bill, and from other testimony submitted to the committee, that both these cases are cases of peculiar hardship and such as are not now relievable, and which your committee believe never can be relieved by the present existing laws of the country.

Your committee would further represent, that circumstances attending the separation of the individuals named in the bill submitted for their consideration, are sufficiently aggravated to excite the sympathy of any legislative body, and the fact that they are not and never can be relievable in the courts of justice, calls strongly for the interposition of the Legislature.

Your committee cannot believe that the passage of this bill will be a dangerous precedent, because it is not probable that many such cases will ever arise. They therefore unanimously submit this report, and earnestly recommend the passage of the said bill; which is herewith reported, without amendment.

Mr. Brown moved for leave to withdraw a bill, to be entitled an act to revise, consolidate and amend the laws relative to Justices of the Peace and Constables, heretofore introduced by him; and leave was granted.

Mr. Brown introduced a bill, to be entitled an act to define in part the duties of Sheriffs and Constables, and for other purposes; which was read a first time and ordered to a second reading.

Mr. Wolf introduced a bill, to be entitled an act to reduce the tax on horses and cattle; which was read a first time.

Mr. Wilson moved that the said bill be rejected; and the question being taken on said motion, it was decided in the affirmative, by yeas and nays, as follows:

Yeas.—Messrs. Calvert, Clark, Crutchfield, Fillingim, Gibson, Hanks, Hudspeth, Livingston, Magness, Manly, Rutherford, Scott of Pope, Smith, Stilwell, Talbot, and Wilson.—16.

Nays.—Messrs. Brown, Holland, Menefee, Pope, Scott of Hempstead, Whinnery, Wolf, and Mr. Speaker.—8.

And so the bill was rejected.

On motion of *Mr. Manly*, the bill, to be entitled an act supplementary to an act attaching a part of the country acquired by treaty from the Cherokees to the counties of Izard, Independence and Conway, was taken up, read a second time, committed to a Select Committee, and Messrs. *Menefee*, *Manly*, and *Talbot* were appointed that committee.

The memorial to the Congress of the United States, praying for the privilege of electing a Governor to be extended to the citizens of Arkansas, was read a second time, and

Mr. Crutchfield moved that said memorial be committed to a Committee of the Whole; which motion was disagreed to.

Mr. Magness then moved that the rules of the House be dispensed with and the memorial read a third time;

which motion was agreed to, and the question thereon being taken, it was decided in the affirmative, ~~by~~ yeas and nays, as follows:

Yeas.—Messrs. Calvert, Clark, Fillingim, Gibson, Hanks, Holland, Hudspeth, Livingston, Magness, Menefee, Pope, Scott of Pope, Smith, Stilwell, Talbot, Whinnery, Wolf, and Mr. Speaker.—18.

Nays.—Messrs. Brown, Crutchfield, Manly, Scott of Hempstead, and Wilson.—5.

And the memorial was PASSED.

The memorial, from the Legislative Council, praying relief for the purchasers of French and Spanish land claims, was read a second time, and

On motion of Mr. Clark, the rules were dispensed with, and the memorial read a third time and PASSED.

The bill, from the Legislative Council, entitled an act to extend the jurisdiction of Justices of the Peace in matters of a civil nature, was read a second time and ordered to a third reading.

The bill, entitled an act supplementary to an act entitled an act regulating the collection of taxes on Military Bounty Lands, was taken up, and

On motion of Mr. Scott of Pope, committed to a Committee of the Whole, and made the order of the day for Friday.

The bill, to be entitled an act to dissolve the bonds of matrimony between Beverly Stubblefield and Nancy W. Stubblefield and between Gideon Dunn and Hester Dunn, was read a third time and PASSED.

Messages were received from the Legislative Council, informing the House of Representatives, that bills of the following titles have been introduced into the Council, to wit: An act providing for the location of Seats of Justice.—An act for the relief of the Clerk of Jackson county.—An act better to define the line between Independence and Izard counties. Also, that they have passed a bill, from the House of Representatives, entitled an act supplementary to an act passed Nov. 2d, 1827, to erect and establish the county of Jefferson; which is herewith returned to the House. Also, that they have agreed to the amendments made by the House, to a bill,

from the Council, entitled an act to repeal the several acts now in force in this Territory concerning writs of certiorari, and for other purposes; and that they have concurred in the memorial to the Congress of the United States, asking an appropriation to erect a Hospital at Hot Springs. Also, that they have agreed to the amendments made in the House, to a memorial to the Congress of the United States, asking an appropriation for the payment of the agents engaged in the selection of the Seminary Lands. Also, that they have passed a memorial to the Congress of the United States, for an appropriation to open a road from the Mouth of White river to the lower end of Grand Prairie, in Arkansas county; which is herewith transmitted for your concurrence.

And the said last mentioned memorial was read a first time, and

On motion of Mr. *Stilwell*, the rules of the House were dispensed with, and the bill read a third time and PASSED.

The bill, entitled an act to call in the Territorial Scrip now in circulation, and for other purposes, was read a third time and PASSED.

The memorial, from the Legislative Council, to the Congress of the United States, praying an appropriation to pay the agents employed to select the Seminary Lands, was read a third time and PASSED.

Message from the GOVERNOR, by Mr. Brown, his Private Secretary.

Mr. Speaker—I am instructed to inform your honorable body, that the Governor did, on this day, the 26th of October, 1831, approve and sign the following bills, which originated in the House of Representatives: An act permanently to fix the Seat of Justice in the county of Sevier, and appointing trustees for the same; an act giving to Jurors that discretionary power in criminal cases heretofore given to the Judges of the Circuit Court; an act permanently to locate the Seat of Justice of Crittenden county. Also, a memorial to Congress, praying that the unexpended balance of the appropriation for constructing a road from Washington, in Hempstead county, to Jackson, in Lawrence county, may be applied for the purpose of continuing the said road to the north and south boundary of the Arkansas Territory.

On motion of Mr. *Scott* of Pope, the House then re-

solved itself into a Committee of the Whole, on the bill, to be entitled an act defining the qualifications of electors in the Territory of Arkansas, Mr. *Scott* of Hempstead in the chair; and, after some time spent thereon, the committee rose and reported the bill, with sundry amendments, which were concurred in by the House, and

On motion of Mr. *Scott* of Pope, the bill was ordered to be engrossed for a third reading on Friday.

On motion of Mr. *Hanks*, the House resolved itself into a Committee of the Whole, Mr. *Hanks* in the chair, on the bill, entitled an act further to regulate the duties of Executors and Administrators; and, after some time spent thereon,

On motion of Mr. *Whinnery*, the committee rose and reported the bill, with amendments; which amendments were concurred in by the House, and the bill ordered to a third reading to-morrow.

Mr. *Clark*, from the Select Committee appointed to consider of the propriety of memorializing Congress to grant an appropriation to clear out the Raft of Red river, reported a memorial on that subject; which was read a first time, and

On motion of Mr. *Clark*, the rules of the House were dispensed with, and the memorial read a second time and ordered to be engrossed for a third reading to-morrow.

On motion of Mr. *Rutherford*, the House then resolved itself into a Committee of the Whole, Mr. *Magness* in the chair, on the bill, entitled an act to incorporate the Baptist Church at Little Rock, and for other purposes; and, after some time spent thereon,

On motion of Mr. *Manly*, the committee rose, reported progress, and asked leave to sit again to-morrow.

Message from the Legislative Council, by Mr. *Farrelly*.

Mr. *Speaker*—I am instructed to inform you, that the Legislative Council have passed the following resolution:

Resolved, That the Committee on the Auditor's and Treasurer's Books be instructed to burn, of the Scrip remaining in the Treasury, the sum of \$414 06, being the sum credited by the committee to the former Sheriff of Hempstead county, and the Treasurer be discharged from further accountability for that sum; and that the committee balance the Treasu-

rer's Books accordingly ;—and ask your concurrence therein.

Mr. Smith moved the following resolution:

Resolved, That the hour to which this House shall adjourn hereafter, be nine o'clock, instead of ten, the present hour of meeting.

And the question being taken on the adoption of the resolution, it was decided in the affirmative, by yeas and nays, as follows:

Yeas.—Messrs. Brown, Fillingim, Hanks, Hudspeth, Magness, Rutherford, Smith, Stilwell, Talbot, Whinnery, Wolf, and *Mr. Speaker*.—12.

Nays.—Messrs. Calvert, Clark, Crutchfield, Gibson, Holland, Livingston, Manly, Menefee, Pope, Scott of Hempstead, and Scott of Pope.—11.

And so the resolution was adopted.

On motion, the House adjourned.

LEGISLATIVE COUNCIL.

Friday, October 28, 1831.

Mr. Witter, from the Committee on the Judiciary, reported a bill, entitled an act to abolish the County Courts; which was read the first time.

Mr. Farrelly moved to lay said bill on the table; which was decided in the negative, and the bill ordered to a second reading.

Mr. Douglass, from the Joint Committee on Enrolments, reported, that said committee had examined the following enrolled bills and memorials, to wit: An act to levy a tax in the county of Lawrence, for the purpose of building a Jail in said county; a memorial to the Congress of the United States, praying for a donation of a quarter section of land to each actual settler within a certain limit of the western border of the Territory; an act regulating the fees of Sheriffs for taking the Territorial census, and for other purposes; a memorial to Congress, praying for an appropriation to open a road from Strong's to Batesville; a memorial to Congress, praying an appropriation to open the navigation of White river; a memorial to Congress, praying for remuneration for losses sustained by treaties with the Choctaw Indians; a memorial to Congress, for an appropriation to open a road from Helena to the interior of Arkansas,

intersecting the Military road from Memphis to Little Rock; a memorial, for an appropriation to open a road from Jefferson Barracks, in Missouri, by Fort Smith, to Sevier county, on Red river; a memorial, for the relief of sundry citizens of Arkansas. And that they had found the same correctly enrolled.

Mr. *Hartfield*, from the Select Committee raised by a resolution upon that subject, reported a memorial to the Congress of the United States, for an appropriation to remove the obstructions to navigation in the Great Raft of Red river; which was read the first time, and the second and third readings being dispensed with, PASSED.

Ordered, That Mr. *Hartfield* transmit the same to the House of Representatives for their concurrence.

Mr. *Sinclear*, from the Select Committee to which was committed the bill, entitled an act to prevent malicious prosecutions, reported the same, with an amendment in lieu of the whole bill, except the title and enacting clause; which was read and adopted.

Ordered, That the bill be engrossed and read a third time on Monday next.

On motion of Mr. *Collins*, the resolution, from the House of Representatives, inviting the Legislative Council to meet them in the Legislative Hall, on this day, for the purpose of electing an Auditor and Treasurer, and Justices of the Peace, was taken up, read, and amended by striking out "Friday," and inserting in lieu thereof "Tuesday."

Ordered, That Mr. *Farrelly* inform the House of Representatives thereof, and ask their concurrence to said amendment.

Mr. *Sinclear* asked and obtained leave to introduce a bill, entitled an act regulating the mode of Plaintiff's establishing their accounts to the amount of ten dollars; which was read the first time and ordered to a second reading.

Mr. *Bridges* moved to take up the bill, entitled an act to erect and establish the county of Randolph; which was ordered to be taken up and read the third time, and on the question, *Shall the bill pass?* Mr. *Bridges* called for the yeas and nays, which stood as follows, to wit:

Yeas.—Messrs. Blount, Bridges, Collins, Hackett, Lincecum, Patton, Wells, and Mr. President.—8.

Nays.—Messrs. Boswell, Douglass, Farrelly, Hartfield, Hughes, Ingram, McAmy, McKenzie, Orr, Pennington, Sinclear, Tidwell, Witter, and Wolf.—14.

And the bill was rejected.

The memorial, from the House of Representatives, to Congress, praying the privilege of electing the Governor of this Territory, was read a second time; when

Mr. *Witter* proposed the following amendment:

In the 50th line, after the word "Governor," insert "and, also, the Secretary and Marshal of the Territory; and that the Legislature of said Territory be authorized to elect, under such rules and regulations as they may prescribe, four Judges of the Superior Court for the said Territory of Arkansas."

Mr. *Farrelly* then moved to amend said amendment, by striking out all after the word "Secretary"; which was agreed to, and upon the adoption of the amendment, as amended, he called for the yeas and nays, which were as follows:

Yeas.—Messrs. Blount, Boswell, Bridges, Collins, Douglass, Farrelly, Hartfield, Hughes, Ingram, Lincecum, McAmy, McKenzie, Orr, Patton, Pennington, Sinclear, Tidwell, Wells, and Wolf.—19.

Nays.—Messrs. Hackett, Witter, and Mr. President.—3.

And the amendment was adopted.

The third reading of the memorial being dispensed with, Mr. *Sinclear* called for the yeas and nays on its final passage, which stood as follows, to wit:

Yeas.—Messrs. Blount, Boswell, Collins, Farrelly, Hackett, Hartfield, Hughes, Ingram, McKenzie, Orr, Patton, Pennington, Sinclear, Wells, Wolf, and Mr. President.—16.

Nays.—Messrs. Bridges, Douglass, Lincecum, McAmy, Tidwell, and Witter.—6.

And the memorial PASSED, as amended, with the words "and Secretary" to follow that of "Governor."

Ordered, That Mr. *Farrelly* transmit the same to the House of Representatives, and ask their concurrence to said amendment.

A message from the House of Representatives, by Mr. *Rutherford*.

Mr. *President*—I am instructed to inform you, that the House of Representatives have agreed to the resolution of the Legislative Council, authorizing the Committee on the

Auditor's and Treasurer's Books to burn of the Scrip remaining in the Treasury, the sum of \$414 06, being the sum credited by the committee to the former Sheriff of Hempstead county; and that the Treasurer be discharged from the further accountability for that sum, and that the committee balance the Treasurer's Books accordingly.

A message from the House of Representatives, by *Mr. Menefee*.

Mr. President—I am instructed by the Speaker of the House of Representatives to inform you, that in pursuance of the resolution of the Legislative Council, requesting him to write the word "SATISFIED," on certain vouchers and warrants belonging to the offices of the Auditor and Treasurer, and to subscribe his name thereto, and to return the same to the respective officers to whom they originally belonged—has performed the duty assigned by said resolution.

On motion of *Mr. Sinclear*,

Resolved, That a committee be appointed on the part of the Legislative Council, to act in conjunction with a committee from the House of Representatives, to inquire into the expediency of digesting the laws now in force in this Territory, with leave to report by bill or otherwise; and that the House of Representatives be informed thereof.

And Messrs. *Sinclear*, *Farrelly*, and *Boswell*, were appointed to constitute said committee.

A message from the House of Representatives, by *Mr. Manly*.

Mr. President—I am instructed to inform you, that the House of Representatives have this day received a communication from His Excellency John Pope, Governor of the Territory of Arkansas, through Mr. Jesse Brown, one of his Private Secretaries, informing them that he had refused to affix his signature to the act, entitled an act to prevent certain persons from giving evidence in this Territory, and returning the same, with his objections thereto; and that, after the said communication was read, the said act was taken under consideration, and on the question being put, *Shall the bill pass, the veto of the Governor notwithstanding?* it was decided by ayes and nays, as follows, to wit:—Ayes 20—Noes 4; which being a majority of two-thirds of the whole House, the bill was passed by a constitutional majority, and the same is herewith, together with the communication of the Governor aforesaid, transmitted to the Legislative Council for concurrence.

Which bill and communication of the Governor were taken up and read; and the question being put, *Shall*

the bill pass, the Governor's veto to the contrary notwithstanding? it was decided by yeas and nays, as follows:

Yeas.—Messrs. Blount, Boswell, Farrelly, Hartfield, Hughes, Ingram, McKenzie, Orr, Patton, Pennington, Sinclear, Wells, Wolf, and Mr. President.—14.

Nays.—Messrs. Bridges, Collins, Douglass, Hackett, Lincecum, McAmy, Tidwell, and Witter.—8.

And there not being a constitutional majority of two-thirds in favor of its passage, the bill was rejected.

On motion of Mr. Bridges, the bill, entitled an act to alter and establish permanently the boundary line between the counties of St. Francis and Crittenden, and upon which John Pope (the Governor) had put his veto, and returned it to the Legislative Council, in which it had originated, was re-considered, and amended by making the enacting clause complete, inserting the words “by the General Assembly of the Territory of Arkansas,” after the words “be it enacted,” in the first section.

Ordered, That Mr. Bridges transmit the same to the House of Representatives, and request their concurrence.

A message from the House of Representatives, by Mr. Smith.

Mr. President—I am instructed to inform you, that bills of the following titles have been introduced this day, October 28th, 1831, in the House of Representatives, viz: A bill, to be entitled an act supplementary to the several laws regulating the Militia of this Territory; a bill, to be entitled an act supplementary to the law defining the crime of maiming; a bill, to be entitled an act regulating the fees of Sheriffs; a bill, to be entitled an act to make certain alterations in the western boundary line of Jackson county; a bill, to be entitled an act supplementary to an act attaching a part of the country acquired by treaty from the Cherokees, to the counties of Izaard, Independence, and Conway; an act to change the time of holding the Circuit Courts in and for the county of Pulaski, and for other purposes; a bill, to be entitled an act to levy a tax on certain property heretofore exempt from a tax, and to exempt one plough horse to each farmer free from a tax.

The engrossed bill, from the House of Representatives, entitled an act to amend the several laws now in force regulating Revenue, was read a second time, committed to a Committee of the Whole, and made the order of the day for Monday next.

The engrossed bill, from the House of Representatives, entitled an act to enable judgement creditors to collect their debts with more facility, was read a second time, and re-committed to a Select Committee, consisting of Messrs. *Witter, Wells, and Wolf*.

A message from the House of Representatives, by Mr. *Livingston*.

Mr. President—I am instructed to inform you, that bills of the following titles have this day been passed in the House of Representatives, to wit: An act regulating the fees of Prosecuting Attornies; an act to extend the jurisdiction of Justices of the Peace in matters of a civil nature; an act further to regulate the duties of Executors and Administrators. All of which are herewith returned.

On motion of Mr. *Witter*, the bill, entitled an act to authorize judgement creditors to issue garnishments in certain cases, was taken up and committed to a Select Committee, consisting of Messrs. *Witter, Wells, and Wolf*.

The engrossed bill, from the House of Representatives, entitled an act to call in the Territorial Scrip, and for other purposes,—the bills, entitled an act better to define the line between Independence and Izard counties; an act for the relief of the Clerk of Jackson county; an act providing for the location of Seats of Justice,—were severally read a second time,—and the three former committed to Select Committees: the first, to Messrs. *Douglass, Pennington, and Collins*; the second, to Messrs. *Boswell, Wolf, Hackett, and Blount*; the third, to Messrs. *Tidwell, Ingram, and Boswell*; and the fourth and last, to a Committee of the Whole, and made the order of the day for to-morrow.

The bill, entitled an act appointing commissioners to contract for and superintend the building a Jail and Jailor's House in the town of Helena, was read a third time and PASSED, with the title aforesaid, striking out the words "A bill, entitled."

Ordered, That Mr. *McKenzie* transmit the same to the House of Representatives, and request their concurrence.

On motion, the Legislative Council then resolved itself into a Committee of the Whole, Mr. *Douglass* in the chair, on the engrossed bill, from the House of Repre-

sentatives, entitled an act declaring in force that part of the second and the whole of the third section of the act entitled an act to suppress the practice of duelling, approved Oct. 23d, 1820, and repealing an act entitled an act to repeal a part of the second and the whole of the third section of an act to suppress the practice of duelling, approved Oct. 27th, 1825; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. Douglass reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the same, with an amendment, (striking out the first section, with the enacting clause.)

Which report was received, the amendment adopted, and the bill rejected.

A message from the House of Representatives, by Mr. Calvert.

Mr. President—I am instructed to inform you, that the House of Representatives have this day. (Oct. 28th, 1831,) passed the following bills and memorials, viz: A memorial (originating in this House) to the Congress of the United States, praying for an appropriation to open the Raft on Red river; an act defining the qualifications of Electors in the Territory of Arkansas; a bill, to be entitled an act supplementary to an act entitled an act to regulate the collection of taxes on Military Bounty Lands; an act to incorporate the Baptist Church at Little Rock, and for other purposes. All of which are herewith transmitted for concurrence. I am also instructed to inform you, that the House of Representatives have agreed to the amendment of the Legislative Council, made to the resolution from this House, appointing Friday, Oct. 28th, for electing certain officers; and that they have also agreed to the amendment of the Legislative Council to the memorial to the Congress of the United States, praying for the privilege of electing Governor.

The last mentioned bill in said message, was then read the first time and ordered to a second reading.

And then, on motion of Mr. Bridges, the Legislative Council adjourned.

HOUSE OF REPRESENTATIVES.

Mr. Scott of Pope presented the remonstrance of sun-

dry citizens of Pope county, against the division of said county.

Mr. *Wolf* presented the petition of sundry citizens of the counties of Crawford and Pope, praying for the erection of a new county out of parts of said counties.

Which petition and remonstrance, together with the petition heretofore presented upon the same subject,

On motion of Mr. *Wolf*, were referred to a Select Committee of Messrs. *Wolf*, *Scott* of Pope, and *Calvert*.

Mr. *Crutchfield* presented the petition of sundry inhabitants of the counties of Pulaski, Independence, and Jackson, praying that a new county be erected out of parts of said counties; which was read and referred to a Select Committee of Messrs. *Crutchfield*, *Magness*, and *Menefee*.

Mr. *Clark*, from the Committee on the Militia, reported a bill, with the following title, viz: A bill, to be entitled an act supplementary to the several laws regulating the Militia of this Territory; which was read and ordered to a second reading.

Mr. *Brown*, from the Committee on Enrolled Bills, reported the following correctly enrolled, viz: An act to levy a tax in the county of Lawrence, for the purpose of building a Jail in said county; a memorial to the Congress of the United States, praying a donation of a quarter section of land to each actual settler within a certain distance of our western border; an act to regulate the fees of Sheriffs for taking the Territorial census, and for other purposes; a memorial to Congress, to remunerate persons who settled on the [land] between White river and Arkansas, in the year 1815, and who were removed from their homes by a treaty with the Chickasaw Nation of Indians, in 1817; a memorial to Congress, asking for an appropriation to open a road from Red river, near Fort Towson, to the northern boundary of this Territory; a memorial to Congress, asking for an appropriation to open a road from Helena to intersect the Military road from Memphis to Little Rock; a memorial to Congress, asking to be remunerated for losses sustained by the treaty with the Choctaw Indians, 20th June, 1825; a memo-

rial to Congress, asking an appropriation to open the navigation of White river; and a memorial to Congress, asking for an appropriation to open a road from Strong's to Batesville. All of which were signed by the Speaker.

Mr. *Magness* presented a bill, to be entitled an act supplementary to the law defining the crime of maiming; which was read and ordered to a second reading.

Mr. *Holland* presented a bill, to be entitled an act to regulate the fees of Sheriffs; which was read and ordered to a second reading.

Mr. *Manly* introduced a bill, to be entitled an act to make certain alterations in the western boundary line of Jackson county; which was read and ordered to a second reading.

Mr. *Menefee*, from the Select Committee to whom was referred the bill, to be entitled an act supplementary to an act attaching a part of the country acquired by treaty from the Cherokees, to the counties of Izard, Independence and Conway, reported a bill, to be entitled an act supplementary to an act attaching a part of the country acquired by treaty from the Cherokees, to the counties of Izard, Independence, and Conway; which was read, and the rules being dispensed with, was read a second time and ordered to be engrossed for a third reading tomorrow.

Mr. *Crutchfield* introduced a bill, to be entitled an act to change the time of holding the Circuit Court in and for the county of Pulaski, and for other purposes; which was read and ordered to a second reading.

The *Speaker* made to the House the following REPORT:

According to the resolution reported by the Joint Committee appointed to examine the Books of the Auditor and Treasurer, and adopted by the Legislature, directing that the Speaker of the House of Representatives should write the word "SATISFIED" on the vouchers and warrants belonging to those offices in the hands of the committee, and to subscribe his name thereto, and hand over the papers to the respective officers,—the Speaker has now the honor of communicating to the House of Representatives, that he has performed the duty required by said resolution, and will direct that this information be communicated to the Legislative Council.

And the Legislative Council were informed by message accordingly.

The bill, to be entitled an act to define in part the duties of Sheriffs and Constables, and for other purposes, was taken up, read a second time, and

On motion of Mr. *Pope*, committed to a Committee of the Whole, and made the order of the day for to-morrow.

The bill, from the Legislative Council, entitled an act regulating the fees of Prosecuting Attornies,

On motion of Mr. *Hudspeth*, was taken up and PASSED by ayes and nays, as follows:

Yeas.—Messrs. Clark, Crutchfield, Fillingim, Holland, Hudspeth, Livingston, Magness, Menefee, Rutherford, Smith, Talbot, Wolf, and Mr. Speaker,—13.

Nays.—Messrs. Brown, Calvert, Hanks, Manly, Pope, Scott of Hempstead, Scott of Pope, Stilwell, Whinnery, and Wilson.—10.

A message from the Legislative Council, by Mr. *Orr*.

Mr. Speaker—I am instructed to inform you, that the Legislative Council have passed bills of the following titles, from the House of Representatives, to wit: An act permanently to locate the Seat of Justice in the county of Miller, and more distinctly to define the boundary lines of said county; and an act to dissolve the bonds of matrimony between Beverly Stubblefield and Nancy W. Stubblefield, and between Gideon Dunn and Hester Dunn;—which bills, with the accompanying documents, are herewith returned to the House. I am further instructed to inform you, that a bill, entitled an act to abolish the County Courts, has been introduced into the Legislative Council.

On motion of Mr. *Rutherford*, the resolution of the Legislative Council, to authorize the Committee on the Auditor's and Treasurer's Books to burn \$414.06 of Scrip, which was credited to the former Sheriff of Hempstead county, was concurred in by the House.

The memorial to the Congress of the United States, praying for an appropriation to open the Raft of Red river, was taken up, read a third time, PASSED, and sent to the Legislative Council for concurrence.

Message from the Legislative Council, by Mr. *Farrelly*.

Mr. Speaker—I am instructed to inform you, that the Legislative Council have agreed to the resolution of the House of Representatives, appointing Friday, the 28th inst. for the election of an Auditor and Treasurer, and Justices of

the Peace, with an amendment; which amendment is, to strike out "Friday, the 28th," and insert "Tuesday, the 1st Nov.;" and ask your concurrence therein.

Which amendment was agreed to.

On motion of Mr. *Scott* of Pope, the bill, to be entitled an act defining the qualifications of Electors in the Territory of Arkansas, was taken up, read a third time, and PASSED by yeas and nays, as follows:

Yeas.—Messrs. Clark, Gibson, Hanks, Holland, Livingston, Magness, Pope, Rutherford, Scott of Pope, Smith, Stikwell, Talbot, and Whinnery.—13.

Nays.—Messrs. Brown, Calvert, Crutchfield, Fillingim, Hudspeth, Manly, Menefee, Scott of Hempstead, Wilson, Wolf, and Mr. Speaker.—11.

And the bill was sent to the Legislative Council for concurrence.

The bill, from the Legislative Council, entitled an act to extend the jurisdiction of Justices of the Peace in matters of a civil nature, was taken up, read a third time and PASSED.

Mr. *Manly* introduced a bill, to be entitled an act to levy a tax on certain property heretofore exempt from a tax, and to exempt one plough horse to each farmer free from a tax; which was read and ordered to a second reading.

The bill, from the Legislative Council, entitled an act further to regulate the duties of Executors and Administrators, was taken up, read a third time and PASSED.

Message from the Legislative Council, by Mr. *Hartfield*.

Mr. *Speaker*—I am instructed to inform you, that the Legislative Council have passed a memorial to Congress, for an appropriation to remove the obstructions to the navigation of the Great Raft of Red river; which is herewith transmitted for the concurrence of the House of Representatives.

And on motion of Mr. *Clark*, the said memorial was ordered to lie on the table.

The House then formed itself into a Committee of the Whole, on the bill, to be entitled an act supplementary to an act to regulate the collection of taxes on Military Bounty Lands, Mr. *Holland* in the chair; and, after some time spent thereon, the committee rose, reported the same, without amendment, which was concurred

it by the House, and the bill was read a third time and PASSED.

A message from the GOVERNOR, by Mr. Brown, his Private Secretary.

Mr. Speaker—I am instructed to inform your honorable body, that he did, on this day, approve and sign a bill, to be entitled an act to authorize the removal of the administration on the estates of Joseph Janes and Joseph Kuykendall, deceased, to the counties of Clark and Independence. I am also instructed by the Governor to return to the House of Representatives, where the bill originated, the bill, entitled an act to prevent certain persons from giving evidence in this Territory, with his objections to its passage; which I beg leave to read to your honorable body.

To the Speaker and Members of the House of Representatives of the Territory of Arkansas:

GENTLEMEN—The bill, entitled “an act to prevent certain persons from giving evidence in this Territory,” has been presented to me, and has received due and deliberate consideration. I feel bound, from my views of the character and policy of the measure, to return the bill to your House, in which it originated, with my objections to its passage. The bill provides, that no person, having one-fourth of Indian blood in his or her veins, and acknowledged to belong to any tribe or band of Indians, and not a resident of this Territory, shall be permitted to give evidence against any white person in any case, or before any judicial tribunal. This is the substance, if not the very words, of the bill. The residence of a witness has never been considered a criterion of either competency or credibility in the courts of any civilized country. It is believed, that the persons intended to be excluded by the bill, are admitted to give evidence in the courts of the United States, and Congress has never thought it wise or necessary to exclude them. It would be well to consider whether you have the power to change and regulate the rules of evidence observed in the Federal tribunals; and, if you have the power, the policy and propriety of innovating upon the rules and principles of evidence observed every where in the courts of the Union, may well be doubted. The effect of the bill, if I comprehend its meaning, will be, to give impunity to crimes committed by white men on the Indians, or in their country, where no other than Indian witnesses can be had. Enlightened statesmen and jurists, in modern times, have relaxed, rather than restricted, the admissibility of evidence, in both civil and criminal cases, and left the credibility and weight of testimony to the sound discretion of the juries.—

The object of every trial of matters of fact is to come at the truth, and that has been found more attainable by letting in rather than by excluding light.

I object, therefore, to the passage of the bill--

1st. Because it provides for the exclusion of testimony admissible in the courts of the United States; and,

2d. Because the effect of the bill, if the Legislature have the power to pass it, would be mischievous; and,

3d. Because it is an unnecessary and impolitic innovation upon the long established rules and usages in both civil and criminal cases.

For these reasons, and with the objections above stated, I now respectfully return the bill above recited, to your House.

JOHN POPE.

Little Rock, Oct. 27th, 1831.

The House then took the said bill into consideration, and the question being put, *Shall the bill pass, the veto of the Governor to the contrary notwithstanding?* it was decided in the affirmative, two-thirds of the House voting for its passage, by yeas and nays, as follows:

Yeas.--Messrs. Brown, Calvert, Crutchfield, Clark, Gibson, Hanks, Hudspeth, Holland, Magness, Manly, Menefee, Rutherford, Scott of Pope, Smith, Stilwell, Talbot, Whinnery, Wilson, Wolf, and Mr. Speaker.--20.

Nays.--Messrs. Fillingim, Livingston, Pope, and Scott of Hempstead.--4.

So the bill was passed by a constitutional majority of this House, and sent, together with the accompanying papers, to the Legislative Council for concurrence.

Message from the Legislative Council, by Mr. Farrelly.

Mr. Speaker--I am instructed to inform you, that the Legislative Council have passed a memorial to Congress, asking the privilege of electing the Governor of this Territory, with some amendments; and ask your concurrence therein.

On motion of Mr. Smith, the amendment of the Council was concurred in by the House.

The House then resolved itself into a Committee of the Whole, Mr. Scott of Pope in the chair, on the bill, to be entitled an act to incorporate the Baptist Church at Little Rock, and for other purposes; and, after some time spent thereon, the committee rose and reported the bill, without amendment; which was agreed to by the House, and the bill read a third time, PASSED, and sent to the Legislative Council for concurrence.

On motion of Mr. *Manly*, the House again formed itself into a Committee of the Whole, Mr. *Menefee* in the chair, to take under consideration the report of the Committee on the Auditor's and Treasurer's Books; and, after some time spent thereon, the committee rose and reported the same, with some amendments; which were agreed to by the House.

On motion of Mr. *Rutherford*, so much of the report as relates to the warrants drawn by Geo. W. Scott, former Auditor, was referred to the Committee on the Judiciary.

On motion of Mr. *Livingston*, so much of the report as relates to the office of Adjutant-General, was referred to the Committee of Ways and Means.

On motion of Mr. *Menefee*, so much of the report as relates to the warrants drawn by the Auditor, R. C. Byrd, contrary to law, was referred to the Committee on the Judiciary, with leave to report by bill or otherwise.

On motion of Mr. *Wilson*, so much of the report as relates to the transmission of Election Returns, was referred to the Committee of Ways and Means.

On motion of Mr. *Livingston*, so much of the report as relates to the distribution of the Acts and Journals, was referred to the Committee of Ways and Means, with leave to report by bill or otherwise.

On motion of Mr. *Menefee*, so much of the report as relates to defaulters, was referred to a Select Committee of Messrs. *Menefee*, *Hudspeth*, and *Whinnery*.

Message from the Legislative Council, by Mr. *Sinclear*.

Mr. Speaker—I am instructed to inform you, that the Legislative Council have adopted the following resolution, viz :

Resolved, That a committee be appointed in the Legislative Council, to act in conjunction with a committee from the House of Representatives, to inquire into the expediency of digesting the laws now in force in this Territory, with leave to report by bill or otherwise; and that, on the part of the Council, Messrs. *Sinclear*, *Farrelly*, and *Boswell*, have been appointed; and your concurrence in the resolution is respectfully asked.

And, on motion of Mr. *Manly*, the resolution was indefinitely postponed, by yeas and nays, as follows:

Yeas.—Messrs. *Calvert*, *Crutchfield*, *Fillingim*, *Gibson*,

Hanks, Holland, Livingston, Magness, Manly, Menefee, Rutherford, Scott of Hempstead, Scott of Pope, Stilwell, Talbot, Whinnery, Wilson, and Wolf.—18.

Nays.—Messrs. Brown, Clark, Pope, and Mr. Speaker.—4.

Message from the Legislative Council, by Mr. Bridges.

Mr. Speaker—I am instructed to inform you, that a bill, entitled an act to alter and establish permanently the boundary line between the counties of Crittenden and St. Francis, has been returned by the Governor to the Legislative Council, with his objections to signing the same; that the Council have had the said bill under consideration, and have made the amendment proposed by the Governor, in his message; and herewith transmit to the House of Representatives the said bill, with the Governor's message of objections, and ask your concurrence in the amendment.

Message from the Legislative Council, by Mr. McKenzie.

Mr. Speaker—I am instructed to inform you, that the Legislative Council have passed a bill, entitled an act appointing commissioners to contract for and superintend the building a Jail and Jailor's House in the town of Helena; which is herewith transmitted for your concurrence.

And, on motion of Mr. Wilson, the House adjourned until to-morrow morning, 10 o'clock.

LEGISLATIVE COUNCIL.

Saturday, October 29, 1831.

Mr. Tidwell presented the petition of sundry citizens of Jackson county, praying for an addition to the lower part of said county; and the petition of Nancy Tyler, alias Nancy Sallors, praying for a divorce from her husband, Allen Tyler; which were severally read and referred to Select Committees: the first, to Messrs. Tidwell, Wolf, and Ingram; and the second, to Messrs. Tidwell, Wolf, and Orr.

Mr. Ingram presented the petition of Abraham Smawley, praying to be divorced from his wife; which was read and referred to a Select Committee, consisting of Messrs. Ingram, Pennington, and McKenzie.

Mr. McAmy, from the Committee of Ways and Means, reported a bill, entitled an act to make an appropriation to defray the expenses of the Territory of Arkansas for the years 1831 1832 and 1833; which was read the first time and ordered to a second reading.

Mr. Wells, from the Committee on Memorials, reported a memorial to the Congress of the United States, for an appropriation to open a road from Clark C. H. to the Territorial line, in the direction of Monroe, La.; which was read the first time, and

On motion of *Mr. Wells*, the second and third were dispensed with, and the memorial PASSED.

Ordered, That *Mr. Wells* transmit the same to the House of Representatives, and ask their concurrence therein.

Mr. McAmy, from the Select Committee to which was referred the petition of Creed Taylor, Sheriff of Jefferson county, reported thereon a bill, entitled an act for the relief of Creed Taylor, Sheriff of Jefferson county; which was read and ordered to a second reading.

Mr. Douglass, from the Select Committee to which was committed the engrossed bill, from the House of Representatives, entitled an act to call in the Territorial Scrip, and for other purposes, reported the same, with an amendment; which was read and adopted.

On motion of *Mr. Farrelly*, it was ordered that said bill be re-committed to a Committee of the Whole, and made the order of the day for Monday next.

Mr. Lincecum, from the Select Committee to which was committed the engrossed bill, from the House of Representatives, entitled an act supplementary to an act to provide for the leasing, for a limited time, the land reserved by Congress for the support of Schools within each township in this Territory, approved Nov. 21, 1829, reported the same, with an amendment; which was read and adopted. The bill was then read a third time, PASSED, and ordered to be transmitted to the House of Representatives, and their concurrence asked to said amendment.

Mr. Hughes, from the Select Committee to which was committed the bill, entitled an act amendatory to the law in Geyer's Digest, under the head of Small Debts, reported the same, with an amendment; which was read and adopted.

Then, on motion of *Mr. Farrelly*, who voted in the majority on the adoption of said amendment, the vote

was re-considered; and the question being again taken on the adoption of said amendment, it was decided in the negative and the amendment rejected.

Ordered, That the bill be engrossed and read a third time on Monday next.

Mr. *Collins*, from the Select Committee to which was referred the petition of Loretta Piles, alias Loretta Elkins, praying a divorce from her husband, Overton Piles, reported thereon a bill, entitled an act dissolving the bonds of matrimony between Loretta Piles, alias Loretta Elkins, and Overton Piles; which was read the first time and ordered to a second reading.

Mr. *Tidwell*, from the Select Committee to which was committed the bill, entitled an act for the relief of the Clerk of Jackson county, reported the same, with an amendment; which was read, adopted, and ordered to be engrossed and read a third time on Monday next.

Mr. *Sinclear* asked and obtained leave to introduce a bill, entitled an act for the relief of Mary-Ann McSwiney, accompanied by a petition and statement of facts; which were all read, and the second reading of the bill being dispensed with, it was ordered that the bill be read a third time on Monday next.

Mr. *Wolf*, from a Select Committee raised by a resolution for that purpose, reported a memorial to the Congress of the United States, for an appropriation to open a road from Jackson, Lawrence county, by Izard C. H. to Fayetteville, Washington county; which was read the first time, and the second being dispensed with, **PASSED.**

Ordered, That said memorial be transmitted to the House of Representatives for their concurrence.

Mr. *Patton* asked and obtained leave to introduce a memorial to the Congress of the United States, for an appropriation to remove the obstructions to navigation in the bayou Barthelmi; which was read the first time, and committed to a Select Committee, consisting of Messrs. *Patton*, *Farrelly*, and *Hackett*.

Mr. *Boswell*, from the Select Committee to which was committed the bill, from the House of Representatives, entitled an act supplementary to the several laws now in

force concerning roads and highways, reported the same, without amendment.

Mr. *Farrelly* then offered an amendment to said bill; when,

On motion of Mr. *Hughes*, the bill and proposed amendment were laid on the table.

A message from the House of Representatives, by Mr. *Smith*.

Mr. *President*—I am instructed to inform you, that the following bills have been introduced into the House of Representatives, to wit: An act for the relief R. C. Byrd, Auditor of the Territory of Arkansas; an act providing for Election Returns for Delegate to Congress and Members of the General Assembly of this Territory; an act to provide for the distribution of the Acts and Journals of the General Assembly of the Territory of Arkansas; a bill, to be entitled an act to repeal the first section of an act approved the 14th day of Nov. 1829, entitled an act concerning marriages; an act supplementary to an act forming a Judicial District in the Territory of Arkansas; an act to repeal an act to suppress the practice of purchasing horses of the Indians; an act supplementary to an act appointing commissioners and levying a tax for the building a Jail in Arkansas county; a bill, to be entitled an act supplementary to the several laws regulating the town of Little Rock.

Mr. *Boswell*, from the Select Committee to which was committed the bill, entitled an act better to define the line between Independence county and Izard county, reported the same, with amendments; which were read and adopted, and it was ordered that the bill be engrossed and read a third time on Monday next.

A message from the House of Representatives, by Mr. *Whinnery*.

Mr. *President*—I am instructed to inform you, that the following bill has passed the House of Representatives, to wit: An act supplementary to an act attaching a part of the country acquired by treaty from the Cherokees to the counties of Izard, Independence, and Conway; also, a memorial to the Congress of the United States, for an appropriation to open a road from Clark C. H. to the Territorial line, in the direction of Monroe, La.:—the former of which is herewith transmitted for the concurrence of the Legislative Council, and the latter returned to the Council, where it originated.

Which bill was then read the first time, the second

dispensed with, and committed to a Select Committee, consisting of Messrs. *Wolf, Boswell, Blount, Hughes, and Tidwell.*

Mr. *Bridges* offered the following preamble and resolution; which was adopted:

WHEREAS, it is represented to this General Assembly, that a good and practicable road can be made from a point on the Mississippi river, opposite Randolph, in Tennessee, to intersect the road from Jackson to Washington, in Hempstead county, at a point near Batesville, and that John Troy, William Arnold, and Peter G. Reaves will explore said route, without any charge for their labor and expenses: Therefore—

Be it resolved by the Legislative Council and House of Representatives of the Territory of Arkansas, That the said John Troy, Wm. Arnold, and Peter G. Reaves, be, and they are hereby, appointed commissioners to explore said route, and, on the completion of their labors, to report the same to the Governor of this Territory; and, should it appear by their report, that a good site for a road can be had, connecting said points, then, and in that case, the Governor be, and he is hereby, requested to transmit the report of said commissioners to our Delegate in Congress.

Mr. *Collins* offered the following resolution, to wit:

Resolved, That the regular hour for the meeting of the Legislative Council be nine o'clock in the forenoon, and the time for the adjournment not earlier than five o'clock in the afternoon. Provided, that there may be a recess of not exceeding one hour, between one and three o'clock in the afternoon.

And on the question, *Shall the resolution be adopted?* Mr. *Collins* called for the ayes and noes, which stood as follows, to wit:

Ayes.—Messrs. *Boswell, Collins, Patton, Tidwell, and Wolf.*—5.

Noes.—Messrs. *Blount, Bridges, Douglass, Farrelly, Hackett, Hartfield, Hughes, Ingram, Lincecum, McAmy, McKenzie, Pennington, Sinclear, Wells, Witter, and Mr. President.*—16.

And the resolution was rejected.

A message from the House of Representatives, by Mr. *Calvert.*

Mr. *President*—I am instructed to inform you, that the House of Representatives have adopted the following resolution, to wit:

Resolved, That the Legislative Council be requested to

attend in the Representatives Hall, on Tuesday next, for the purpose of electing eight Medical Censors; and the attendance of the Legislative Council is therefore requested on the day above specified in said resolution.

Which resolution was concurred in, the invitation of the House of Representatives accepted, and Mr. *Hartfield* ordered to inform the House thereof.

Mr. *Wolf* asked and obtained leave to introduce a bill, entitled an act amendatory to an act concerning Gin holders; which was read the first time and ordered to a second reading.

Mr. *Hartfield* asked and obtained leave to introduce a memorial to the Congress of the United States, on the subject of Salt Springs; which was read the first time, the second and third readings dispensed with, and PASSED.

Ordered, That the same be transmitted to the House of Representatives, and their concurrence asked therein.

The engrossed bills, from the House of Representatives, entitled an act supplementary to an act entitled an act to regulate the collection of taxes on Military Bounty Lands; and an act defining the qualifications of Electors in the Territory of Arkansas—were severally read the first time and ordered to a second reading.

The engrossed memorial, from the House of Representatives, to the Congress of the United States, praying for an appropriation to open the Raft on Red river, was read the first time, the second dispensed with, and

On motion of Mr. *Hartfield*, committed to a Select Committee, consisting of Messrs. *Hartfield*, *Witter*, and *Douglass*.

The bill, entitled an act to abolish the County Courts, was read a second time.

Mr. *McAmy* then moved to lay the bill upon the table; upon which question,

Mr. *Boswell* called for the ayes and noes, which stood as follows:

Ayes.—Messrs. Collins, Douglass, Farrelly, Hackett, Hartfield, Hughes, Ingram, McAmy, McKenzie, Patton, Pennington, Sinclear, Tidwell, and Mr. President.—14.

Noes.—Messrs. Boswell, Bridges, Lincecum, Witter, and Mr. Wolf.—5.

And the bill was ordered to lie on the table.

The bill, entitled an act regulating the mode of Plaintiff's establishing their accounts to the amount of ten dollars, was read a second time, and

On motion of Mr. *McKenzie*, committed to a Select Committee, consisting of Messrs. *McKenzie*, *Sinclear*, and *McAmy*.

The bill, from the House of Representatives, entitled an act to incorporate the Baptist Church at Little Rock, and for other purposes, was read a second time, and ordered to a third reading on Monday next.

On motion of Mr. *Sinclear*, the Legislative Council then resolved itself into a Committee of the Whole, Mr. *Douglass* in the chair, on the bill, entitled an act for the relief of Dickson P. Collins and Eli Bell, of Crawford county; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. *Douglass* reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the same, with an amendment, (striking out the first section, with the enacting clause.)

Which amendment was adopted and the bill rejected.

On motion, the Legislative Council then resolved itself into a Committee of the Whole, Mr. *Boswell* in the chair, on the engrossed bill, from the House of Representatives, entitled an act concerning suits on penal bonds, and other writings under seal; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. *Boswell* reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the same, without amendment.

Ordered, That said bill be read a third time on Monday next.

On motion of Mr. *Collins*, the Legislative Council then resolved itself into a Committee of the Whole, Mr. *Sinclear* in the chair, on the engrossed bill, from the House of Representatives, entitled an act for the relief

of Richard C. Byrd, Auditor of this Territory; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. *Sinclear* reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the same, with an amendment.

Which amendment was adopted, and the bill ordered to a third reading on Monday next.

Mr. *Wolf* asked and obtained leave to introduce a memorial to the President of the United States, praying the removal of certain Indians; which was read the first time, the second and third readings dispensed with, the memorial PASSED, and ordered to be transmitted to the House of Representatives, and their concurrence asked therein.

Mr. *Ingram* then moved an adjournment; upon which question, Mr. *Patton* called for the ayes and noes, which stood as follows, to wit:

Ayes.—Messrs. Blount, Bridges, Douglass, Hackett, Hartfield, Hughes, Ingram, Lincecum, McAmy, Pennington, Wells, Witter, and Mr. President.—13.

Noes.—Messrs. Boswell, Collins, Farrelly, McKenzie, Patton, Sinclear, Tidwell, and Wolf.—8.

And the Legislative Council adjourned.

HOUSE OF REPRESENTATIVES.

Mr. *Wilson*, from the Committee of Ways and Means, to whom was referred such parts of the report of the Committee appointed to examine the Books of the Auditor and Treasurer, as relates to the Stationary of the Adjutant-General's office, and the account allowed for Executive postage, made the following REPORT:

We have had the subject under consideration, and are unacquainted with any law allowing postage on letters addressed to the Executive, except on election returns, which is provided for by an act passed in the year 1829, which appears to have been paid, (see schedule marked B, of the report of the Committee on the Auditor's and Treasurer's Books.) For Stationary and Books for the Adjutant-General's office, the law does not provide; still, the charge seems to your committee reasonable and just, and therefore they ask leave to submit the following resolution, viz:

Resolved, That the Prosecuting Attorney of the second

Judicial Circuit be, and he is hereby, directed to proceed against said Richard C. Byrd in the manner prescribed by law, and when the aforesaid amounts are collected, as specified in the report of the Committee on the Auditor's and Treasurer's Books, to pay the same into the Territorial Treasury, and take and file the Treasurer's receipt with the Auditor, for the same, which receipt, when so filed, shall stand as a voucher against said Treasurer.

Mr. *Wilson* then asked and obtained leave to introduce a bill, entitled an act for the relief of Richard C. Byrd, Auditor of the Territory; which was read and ordered to a second reading.

Mr. *Livingston* asked and obtained leave to introduce a bill, to be entitled an act to provide for the distribution of the Acts and Journals of the General Assembly of the Territory of Arkansas; which was read a first time and ordered to a second reading.

Mr. *Menefee*, from the Select Committee to whom was referred so much of the report of the Joint Committee on the Auditor's and Treasurer's Books as relates to defaulters, reported—

That the committee had had the same under consideration, and believing a rigid enforcement of the laws against delinquents to be of paramount interest and utility to the Territory, and the admonition calculated to secure a faithful accountability from collectors of the revenue in future, beg leave to report the following resolution:

Resolved, That the Auditor of the Territory be instructed to take all legal measures to coerce the payment of balances due from delinquent collectors of the revenue forthwith.

Mr. *Crutchfield*, from the Judiciary Committee, to whom was referred the several subjects in the report of the Joint Committee on the Auditor's and Treasurer's Books, reported, that they have, according to order, had the same under consideration, and beg leave to submit the following resolutions:

Resolved by the General Assembly of the Territory of Arkansas, That George W. Scott be exonerated from paying into the Territorial Treasury the sum of \$224, out of the sum of \$373 87, for which he is found liable as Auditor, by the report of the Joint Committee to examine the Auditor's and Treasurer's Books.

Resolved by the General Assembly of the Territory of Arkansas, That Richard C. Byrd be exonerated from paying

into the Treasury the sum of \$539 51, for which he has overdrawn as Auditor, as stated in the report of the Joint Committee on the Auditor's and Treasurer's Books.

The committee are of opinion, under existing circumstances, that there is no necessity to pass a resolution or act either against the former or present Auditor, for those sums in which they are found in default by the report of the Joint Committee on the Auditor's and Treasurer's Books, as the law makes it the duty of the acting Auditor to apprise the Prosecuting Attorney of those defaults; whose duty it is to prosecute in those cases. They beg, therefore, to be discharged from the further consideration of these subjects.

And the resolution for the relief of Richard C. Byrd, was adopted.

Mr. *Wilson*, from the Committee of Ways and Means, to whom were referred the several subjects, to wit: 1st, To inquire into the expediency of revising the Statute Laws of this Territory; 2d, To regulate the fees of Clerks and Sheriffs; and 3d, To regulate Merchants and Merchants Licenses,—reported:

That they have given the first subject its due consideration, and believe that few measures would be better calculated to further the administration of justice in our judicial system, than a revision of the laws; but the rapid increase of population in the Territory, within the last two years, justifies the belief that, in a few years more, the population will be sufficient to entitle us to a State Government; after which time, the laws must necessarily be revised. Therefore, your committee are constrained to report against the measure.

In relation to the second, a bill has already been introduced into this House; and rejected.

The third subject before the committee has also been maturely considered; and they are of opinion that, to require a merchant, with a small capital, to pay the same price for a license that one with a large capital is required to pay, is unjust; but, in remedying that evil, a greater will be incurred.

And your committee ask leave to be discharged from the further consideration of these subjects.

Which report was agreed to.

Mr. *Calvert*, from the Select Committee to whom was referred sundry petitions and remonstrances from the citizens of parts of Crawford and Pope counties, praying for a new county to be made, reported:

That the committee had had the referred subject under consideration; and, after a thorough examination of all and

every circumstance connected with the subject, we feel bound to report an opinion unfavorable to the proposed division and new county. Although the petition is respectable in point of numbers, we believe to grant the prayers set forth, would be an intrusion upon the popular strength of Pope county; and this fact, connected with a knowledge of the general opinion of the Legislature being opposed to the erection of new counties for fear of a material disarrangement being effected in the Judicial arrangement of the Territory, draws from your committee this report; and they ask to be discharged from a further consideration of the subject.

Which report, on motion of Mr. Scott of Pope, was agreed to.

Mr. Crutchfield, from the Select Committee to whom was referred the petition of the citizens of parts of the counties of Pulaski, Jackson, and Independence, praying that a new county may be established, agreeably to the bounds and limits designated in said petition, reported:

That the committee had had the subject under their consideration; and, having given to it that attention due to its importance, they are of opinion, that the hardships and great inconveniences under which the petitioners are laboring, give them a strong claim to relief at the hands of this Legislature. They therefore recommend the adoption of the following resolution:

Resolved, That a committee be appointed to draft a bill, embracing the views and comporting with the wishes of the petitioners, as set forth in their petition.

And the question on the adoption of said resolution being taken, it was decided in the negative, by yeas and nays, as follows:

Yeas.—Messrs. Clark, Crutchfield, Gibson, Holland, Meneffee, Rutherford, and Mr. Speaker.—7.

Nays.—Messrs. Brown, Calvert, Fillingim, Hanks, Hudspeth, Livingston, Magness, Manly, Pope, Scott of Pope, Scott of Hempstead, Smith, Stilwell, Talbot, Whinnery, Wolf, and Wilson.—17.

And so the resolution was lost.

Mr. Clark asked and obtained leave to introduce a bill, to be entitled an act to repeal the first section of an act approved Nov. 14th, 1829, entitled an act concerning marriages; which was read a first time and ordered to a second reading.

Mr. Pope asked and obtained leave to introduce a bill.

to be entitled an act to repeal an act to suppress the practice of buying horses from the Indians; which was read the first time and ordered to a second reading.

Mr. *Rutherford* asked and obtained leave to introduce a bill, to be entitled an act supplementary to the several laws regulating the town of Little Rock; which was read the first time and ordered to a second reading.

Mr. *Stilwell* asked and obtained leave to introduce a bill, entitled an act supplementary to an act appointing commissioners and levying a tax for the building a Jail in Arkansas county; which was read a first time and ordered to a second reading.

Mr. *Pope* asked and obtained leave to introduce a bill, to be entitled an act supplementary to an act forming a Judicial District in the Territory of Arkansas; which was read a first time and ordered to a second reading.

Mr. *Hudspeth* moved the following resolution:

Resolved, That the Legislative Council be requested to attend in the Representatives Hall, on Tuesday next, for the purpose of electing eight Medical Censors.

And the said resolution was adopted.

The bill, from the Legislative Council, entitled an act appointing commissioners to contract for and superintend the building a Jail and Jailor's House in the town of Helena, was read a first time and ordered to a second reading.

The bill, to be entitled an act to levy a tax on certain property heretofore exempt from a tax, and to exempt one plough horse to each farmer free from a tax, was read a second time and ordered to a third reading on Monday.

The bill, to be entitled an act to change the time of holding the Circuit Court in the county of Pulaski, and for other purposes, was read a second time, and ordered to be engrossed for a third reading to-morrow.

Mr. *Pope* asked and obtained leave to introduce a bill, to be entitled an act supplementary to the attachment law; which was read a first time and ordered to a second reading.

Mr. *Scott* of Hempstead asked and obtained leave to

introduce a bill, to be entitled an act for the relief of the administrator of the estate of Luke Ward, deceased; which was read a first time and ordered to a second reading.

The bill, to be entitled an act to make certain alterations in the western boundary line of Jackson county, was read a second time, and

On motion of Mr. *Magness*, committed to a Committee of the Whole, and made the order of the day for Monday next.

The bill, to be entitled an act to regulate the fees of Sheriffs, was read a second time, and ordered to be engrossed for a third reading on Monday.

The memorial to the Congress of the United States, praying an appropriation to clear out the Raft of Red river, was,

On motion of Mr. *Clark*, taken up, and referred to a Select Committee of Messrs. *Clark*, *Rutherford*, and *Scott* of Hempstead.

The bill, to be entitled an act supplementary to the law defining the crime of maiming, was read a second time, and

On motion of Mr. *Crutchfield*, committed to a Committee of the Whole, and made the order of the day for Monday.

Messages were received from the Legislative Council, informing the House of Representatives, that the Council have passed a memorial to the Congress of the United States, asking an appropriation to open a road from Clark C. H. to the Territorial line, in the direction to Monroe, La.; also, a memorial to Congress, praying an appropriation to open a road from Jackson, Lawrence county, by IZARD Court-House, to Fayetteville, in Washington county,—which said memorials are herewith transmitted for your concurrence. And the rules of the House being dispensed with, the said memorials were read three several times and PASSED. Also, that the Council have passed an act, entitled an act supplementary to an act to provide for the leasing, for a limited time, the lands reserved by the Congress of the United

States for the support of Schools within each township in this Territory, approved Nov. 21st, 1829, with some amendments; which is herewith transmitted for your concurrence in said amendments. And the said amendments were severally read and concurred in.

The bill, to be entitled an act supplementary to the several laws regulating the Militia of this Territory, was read a second time, and

On motion of Mr. *Rutherford*, committed to a Select Committee, and Messrs. *Rutherford*, *Clark*, *Calvert*, *Brown*, and *Hudspeth*, were appointed that committee.

The bill, to be entitled an act supplementary to an act attaching a part of the country acquired by treaty from the Cherokees, to the counties of IZARD, Independence, and Conway, was read a third time and PASSED.

Mr. *Wilson* asked and obtained leave to introduce a bill, to be entitled an act providing for Election Returns for Delegate to Congress and Members of the General Assembly of this Territory; which was read a first time and ordered to a second reading.

On motion of Mr. *Brown*, the House then resolved itself into a Committee of the Whole, Mr. *Rutherford* in the chair, on the bill, to be entitled an act to define in part the duties of Sheriffs and Constables, and for other purposes; and, after some time spent thereon, rose and reported the bill, with sundry amendments; which were agreed to by the House, and the bill was ordered to be engrossed for a third reading on Monday.

Mr. *Wilson* asked and obtained leave to introduce a bill, to be entitled an act allowing compensation to the Members of the present General Assembly of this Territory, and their Officers; which was read a first time, and ordered to a second reading.

And, on motion, the House adjourned.

LEGISLATIVE COUNCIL.

Monday, October 31, 1831.

Mr. *Douglass*, from the Joint Committee on Enrolments, reported, that said committee had examined an enrolled bill, entitled an act to regulate the practice of

Medicine and Surgery, and had found the same correctly enrolled.

Mr. *Ingram*, from the Select Committee to which was referred the petition of Abraham Smawley, praying a divorce, reported favorably to the petitioner.

Mr. *Ingram*, from the Select Committee to which was referred the petition of sundry citizens of Jackson county, praying an addition to the lower end of said county, reported a bill, entitled an act to attach a part of St. Francis to Jackson county; which was read a first time, and ordered to a second reading.

The Legislative Council were informed by messages from the House of Representatives, that the House have agreed to the amendment made by the Council, to the bill, to be entitled an act to alter and establish permanently the boundary line between the counties of Crittenden and St. Francis; which is herewith, together with the Governor's message, returned. Also, that the House have passed a memorial, from the Council, to the President of the United States, praying for the removal of certain Indians; and it is herewith returned. Also, that the House have passed bills with the following titles, to wit: An act supplementary to an act appointing commissioners and levying a tax for the building a Jail in Arkansas county; an act to regulate the fees of Sheriffs; an act to define in part the duties of Sheriffs and Constables, and for other purposes:—all of which are herewith transmitted for your concurrence.—All of which were then severally read the first time, and ordered to a second reading.

Mr. *Witter*, from the Select Committee to which was committed the memorial, from the House of Representatives, to the Congress of the United States, for a road from Chicot to Paraclifta, reported the same, with an amendment; which was read and adopted; and the memorial was then read a third time and PASSED.

Ordered, That Mr. *Orr* transmit the same to the House of Representatives, and ask their concurrence to said amendment.

Mr. *Sinclear*, from the Select Committee to which was

committed the engrossed bill, from the House of Representatives, entitled an act to prevent Justices of the Peace from receiving money on judgements obtained before them in civil cases, reported the same, without amendment; which was read a third time and PASSED
Ordered, That Mr. Orr return the same to the House of Representatives.

The bill, entitled an act to make an appropriation to defray the expenses of the Territory of Arkansas for the year 1831, 1832 and 1833, was read a second time, and
 On motion of Mr. *McAmy*, laid on the table.

The bill, entitled an act for the relief of Creed Taylor, Sheriff of Jefferson county, was read a second time, and ordered to be engrossed for a third reading to-morrow.

The bill, to be entitled an act dissolving the bonds of matrimony between Loretta Elkins, alias Loretta Piles, and Overton Piles, was read a second time, and the rules being dispensed with, was put on its third reading, and on the question, *Shall the bill pass?* Mr. Orr called for the ayes and noes, which stood as follows, to wit:

Ayes.—Messrs. Bridges, Collins, Douglass, Hughes, Ingram, *McAmy*, Sinclear, Tidwell, Wells, and Witter.—10.

Noes.—Messrs. Blount, Boswell, Farrelly, Hackett, Hartfield, Lincecum, *McKenzie*, Orr, Patton, Pennington, Wolf, and Mr. President.—12.

And the bill was rejected.

Mr. *Collins* then asked and obtained leave, and withdrew, the petition of the said Loretta Elkins, alias Loretta Piles.

On motion of Mr. *Patton*, the Legislative Council then resolved itself into a Committee of the Whole, Mr. *Blount* in the chair, on the engrossed memorial, from the House of Representatives, to the Congress of the United States, praying a pre-emption to the citizens of Arkansas; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. *Blount* reported, that the committee had, according to order, had under consideration the said memorial; that they had gone through the same, and had instructed him to report the same, without amendment.

The memorial was then read the third time and PASSED.

Ordered, That Mr. Collins return the same to the House of Representatives.

On motion of Mr. Hughes, the Legislative Council resolved itself into a Committee of the Whole, Mr. McKenzie in the chair, on the bill, entitled an act to apportion the representation among the several counties of this Territory for the year 1833; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. McKenzie reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the same, with an amendment.

And on the question, *Shall the amendment be adopted?* Mr. McAmy called for the ayes and noes, which stood as follows, to wit:

Ayes.—Messrs. Blount, Boswell, Collins, Douglass, Farrelly, Hackett, Hartfield, Ingram, Lincecum, McKenzie, Orr, Patton, Sinclear, Tidwell, Wells, Witter, Wolf, and Mr. President.—18.

Noes.—Messrs. Hughes, and McAmy.—2.

And the amendment was adopted.

Then, on motion of Mr. Farrelly, the bill was re-committed to a Select Committee, consisting of Messrs. Farrelly, McAmy, and Witter.

A message from the House of Representatives, by Mr. Wolf.

Mr. President—I am instructed to inform you, that the House of Representatives have disagreed to the amendment of the Legislative Council, to the memorial, No. 8, viz:—A memorial, praying for an appropriation for a road from Chicot to Paraclifta; which is herewith again transmitted to the Legislative Council for their concurrence in the *disagreement*.

Mr. Hartfield then moved that the Legislative Council should *recede* from their amendment; and upon that question, called for the ayes and noes, which stood as follows, to wit:

Ayes.—Messrs. Boswell, Collins, Farrelly, Hackett, Hartfield, Hughes, Ingram, McAmy, McKenzie, Orr, Patton, Sinclear, Tidwell, Wells, Wolf, and Mr. President.—16.

Noes.—Messrs. Blount, Bridges, Douglass, and Witter.—4.

And the amendment was receded from.

Ordered, That Mr. *Hartfield* inform the House of Representatives thereof.

On motion of Mr. *Collins*, the Legislative Council then resolved itself into a Committee of the Whole, Mr. *Orr* in the chair, on the bill, entitled an act changing certain Revenue; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. *Orr* reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and instructed him to report the same, without amendment.

The bill was then read the third time and PASSED, with the title aforesaid, striking out the words "A bill, entitled."

Ordered, That Mr. *Hartfield* transmit the same to the House of Representatives, and ask their concurrence therein.

On motion of Mr. *Farrelly*, the Legislative Council then resolved itself into a Committee of the Whole, Mr. *Boswell* in the chair, on the bill, entitled an act providing for the location of Seats of Justice; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. *Boswell* reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and instructed him to report the same, with amendments.

Which amendments were adopted, and the bill ordered to be engrossed and read a third time to-morrow.

On motion of Mr. *Ingram*, the Legislative Council then resolved itself into a Committee of the Whole, Mr. *McAmy* in the chair, on the bill, entitled an act to repeal an act entitled an act preventing Constables from executing and selling negro slaves, and for other purposes; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. *McAmy* reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the same, without amendment.

Then, on motion of Mr. *McAmy*, the bill was committed to a Select Committee, consisting of Messrs. *McAmy*, *Witter*, and *Farrelly*.

A message from the House of Representatives, by Mr. *Livingston*.

Mr. President—I am instructed to inform you, that the House of Representatives have passed the bill, from the Legislative Council, entitled an act changing certain Revenue, with some amendments; which are herewith transmitted for your concurrence.

Which amendments were then read and agreed to.

Ordered, That the House of Representatives be informed thereof.

On motion of Mr. *Hughes*, the Legislative Council then resolved itself into a Committee of the Whole, Mr. *Douglass* in the chair, on the engrossed bill, from the House of Representatives, entitled an act to amend the several laws now in force regulating Revenue; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. *Douglass* reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the same, with amendments.

Which amendments were adopted.

The bill was then read a third time; and on the question, *Shall the bill pass?* Mr. *Wolf* called for the ayes and noes, which stood as follows, to wit:

Ayes.—Messrs. *Blount*, *Boswell*, *Bridges*, *Douglass*, *Farrelly*, *Hackett*, *Hughes*, *Ingram*, *Lincecum*, *McKenzie*, *Orr*, and Mr. President.—12.

Noes.—Messrs. *Collins*, *Hartfield*, *McAmy*, *Patton*, *Pennington*, *Singlear*, *Tidwell*, *Wells*, *Witter*, and *Wolf*.—10.

And the bill PASSED, and was ordered to be returned to the House of Representatives, and their concurrence asked to the amendments.

Mr. *Douglass* then moved to adjourn; upon which question, Mr. *Patton* called for the ayes and noes, which stood as follows, to wit:

Ayes.—Messrs. *Blount*, *Bridges*, *Douglass*, *Hackett*, *Hughes*, *Ingram*, *Lincecum*, *McAmy*, *Orr*, *Pennington*, *Tidwell*, *Wells*, *Witter*, and Mr. President.—14,

Noes.—Messrs. Boswell, Collins, Farrelly, Hartfield, McKenzie, Patton, Sinclear, and Wolf.—8.

And the Legislative Council adjourned.

HOUSE OF REPRESENTATIVES.

On motion of Mr. *Wilson*, the report of the Committee of Ways and Means, to whom was referred so much of the report of the Committee on the Auditor's and Treasurer's Books as relates to the account for Executive postage on books and stationary for the Adjutant-General's office, was taken up, read, and disagreed to.

Mr. *Wilson* presented the following preamble and resolution, to wit:

WHEREAS, it now appears to the satisfaction of this Legislature, that the account of \$40 62 for Executive Postage, reported by the Joint Committee to examine the Books and Vouchers of the Treasurer and Auditor, as illegally audited, was allowed for Postage on Election Returns for Militia Officers, as provided for by the act entitled an act prescribing the mode of electing all Civil Officers, and for other purposes, approved Nov. 21, 1829: Therefore—

Be it resolved, That the aforesaid account is provided for by law, and that the said Richard C. Byrd be discharged from the payment of the same.

And the said resolution was adopted.

Mr. *Whinnery* moved the following resolution:

Resolved, That this Legislature will adjourn on Thursday next, without day.

Which resolution was disagreed to.

Mr. *Brown*, from the Committee on Enrolled Bills, reported, that the committee had examined a bill of the following title, viz: An act to regulate the Practice of Medicine and Surgery, and found the same to be correctly enrolled.

The act to alter and define the line between the counties of St. Francis and Crittenden, which had been signed by the Speaker of the House of Representatives and President of the Legislative Council, submitted to the Governor, and by him returned to the Council, in which it originated, without his signature, and which was afterwards amended by the Council and sent to the House for concurrence in the amendments, was taken up, and the amendments concurred in.

The bill, from the Legislative Council, entitled an act appointing commissioners to contract for and superintend the building a Jail and Jailor's House in the town of Helena, was read a second time, and

On motion of Mr. *Hanks*, committed to a Committee of the Whole, and made the order of the day for Tuesday.

The bill, to be entitled an act allowing compensation to the Members of the present General Assembly of this Territory, and their Officers, was read a second time, and

On motion of Mr. *Wilson*, committed to a Committee of the Whole, and made the order of the day for Tuesday next.

Message from the Legislative Council, by Mr. *Wolf*.

Mr. *Speaker*—I am instructed to inform you, that the Legislative Council have passed a memorial to the Congress of the United States, on the following subject, to wit: Respecting Salt Springs in this Territory. Also, one to the President of the United States, praying the removal of certain Indians.—Both of which are herewith transmitted for your concurrence.

The first of which said memorials was then read a first time, and

On motion of Mr. *Clark*, the rules of the House were dispensed with, and the memorial read a second time, and

On motion of Mr. *Crutchfield*, committed to a Committee of the Whole, and made the order of the day for Tuesday next.

And the memorial for the removal of certain Indians, was then taken up, and read a first time; when,

On motion of Mr. *Magness*, the rules of the House were dispensed with, and the memorial read a second and third time and PASSED.

The bill, to be entitled an act for the relief of the administrator of Luke Ward, deceased, was read a second time, and

On motion of Mr. *Scott* of Hempstead, indefinitely postponed.

Message from the Legislative Council, by Mr. *Hartfield*.

Mr. *Speaker*—I am instructed to inform you, that the Legislative Council have accepted the invitation of this House, and will meet in the Representatives Hall, on Tuesday next,

for the purpose of electing, by joint ballot, eight Medical Censors.

The bill, entitled an act supplementary to the Attachment Law, was read a second time, and

On motion of Mr. *Pope*, referred to a Select Committee, and Messrs. *Pope*, *Clark*, and *Livingston*, were appointed that committee.

The bill, to be entitled an act supplementary to an act forming a Judicial System in the Territory of Arkansas, was read a second time, and

Mr. *Manly* moved that the bill be indefinitely postponed.

And the question on said motion being taken, it was decided in the affirmative, by yeas and nays, as follows, viz:

Yeas.—Messrs. *Calvert*, *Fillington*, *Gibson*, *Hanks*, *Hudspeth*, *Livingston*, *Magness*, *Manly*, *Rutherford*, *Scott of Hempstead*, *Scott of Pope*, *Smith*, *Stilwell*, *Talbot*, and *Wilson*.—15.

Nays.—Messrs. *Brown*, *Clark*, *Holland*, *Menefee*, *Pope*, *Whinnery*, *Wolf*, and Mr. *Speaker*.—8.

And so the bill was indefinitely postponed.

The bill, to be entitled an act supplementary to an act appointing commissioners and levying a tax for the building a Jail in Arkansas county, was read a second time, and

On motion of Mr. *Stilwell*, the rules of the House were dispensed with, and the bill read a third time and PASSED.

The bill, to be entitled an act supplementary to the several laws regulating the town of Little Rock, was read a second time, and

On motion of Mr. *Rutherford*, the bill was committed to a Committee of the Whole, and made the order of the day for Tuesday next.

The bill, to be entitled an act to provide for the distribution of the Acts and Journals of the General Assembly of the Territory of Arkansas, was read a second time, and

On motion of Mr. *Manly*, committed to a Committee of the Whole, and made the order of the day for Tuesday next.

The bill, to be entitled an act to suppress the practice of purchasing Horses from the Indians, was read a second time, and

On motion of Mr. *Hanks*, indefinitely postponed.

The bill, to be entitled an act to repeal the first section of an act, approved Nov. 14, 1829, entitled an act concerning marriages, was read a second time, and

On motion of Mr. *Hudspeth*, indefinitely postponed.

The bill, to be entitled an act to provide for Election Returns for Delegate to Congress and Members of the General Assembly of this Territory, was read a second time, and

On motion of Mr. *Wilson*, made the order of this day, in Committee of the Whole.

The bill, to be entitled an act for the relief of Richard C. Byrd, Auditor of this Territory, was read a second time, and

On motion of Mr. *Wilson*, ordered to be engrossed for a third reading on Tuesday next.

The bill, to be entitled an act to regulate the fees of Sheriffs, was read a third time and PASSED.

The bill, to be entitled an act to define in part the duties of Sheriffs and Constables, was read a third time, and the question of the final passage of the bill being taken, it was decided in the affirmative, by yeas and nays, as follows:

Yeas.—Messrs. Brown, Calvert, Clark, Crutchfield, Fillin-
gim, Gibson, Hanks, Holland, Hudspeth, Livingston, Mag-
ness, Manly, Menefee, Pope, Scott of Pope, Stilwell, Smith,
Talbot, Whinnery, Wilson, Wolf, and Mr. Speaker.—22.

Nays.—None.

And so the bill PASSED.

The bill, to be entitled an act to change the time of holding the Circuit Court in and for the county of Pulas-
ki, and for other purposes, was read a third time, and

On motion of Mr. *Brown*, referred to a Select Commit-
tee, and Messrs. *Brown*, *Scott* of Pope, and *Scott* of Hemp-
stead, were appointed that committee.

On motion of Mr. *Clark*, the House then resolved it-
self into a Committee of the Whole, Mr. *Wilson* in the
chair, on the bill, to be entitled an act to make certain
alterations in the western boundary line of Jackson coun-
ty; and, after some time spent therein, the committee
rose and reported the bill, with the following amend-

ment, to-wit: Strike out the first section, with the enacting clause.

Mr. *Magness* moved that the House agree to the said amendment; and the question thereon being taken, it was decided in the affirmative, by yeas and nays, as follows, to wit:

Yeas.—Messrs. Calvert, Clark, Fillingim, Gibson, Hanks, Holland, Hudspeth, Livingston, Magness, Menefee, Pope, Scott of Pope, Smith, Stilwell, Wolf, and Mr. Speaker.—16.

Nays.—Messrs. Manly, Scott of Hempstead, and Wilson.—3.

And so the bill was lost.

Message from the Legislative Council, by Mr. Orr.

Mr. *Speaker*—I am instructed to inform you, that the Legislative Council have passed a bill, from the House of Representatives, entitled an act to prevent Justices of the Peace from receiving money on judgements obtained before them in civil cases; which is herewith returned. And, also, that they have passed, with some amendments, a memorial, from the House of Representatives, to Congress, asking an appropriation for a road from Chicot to Paraclista; which is herewith transmitted, and your concurrence asked to said amendments.

And on motion of Mr. *Clark*, the House disagreed to the said amendments.

Message from the Legislative Council, by Mr. *Collins*.

Mr. *Speaker*—I am instructed to inform you, that the Legislative Council have passed a memorial to Congress, asking an extension of the pre-emption law; which is herewith returned.

On motion of Mr. *Magness*, the House then resolved itself into a Committee of the Whole, Mr. *Smith* in the chair, on the bill, to be entitled an act supplementary to the law defining the crime of maiming; and, after some time spent thereon, the committee rose and reported the bill, without amendment.

And the said bill was ordered to be engrossed for a third reading on Tuesday next.

On motion of Mr. *Manly*, the House then resolved itself into a Committee of the Whole, Mr. *Scott of Pope* in the chair, on the bill, to be entitled an act to levy a tax on certain property heretofore exempt from a tax, and to exempt one plough horse to each farmer free from a tax; and, after some time spent thereon, the committee rose and reported the bill, with sundry amendments.

And said amendments were concurred in by the House.

Mr. *Smith* then moved that the said bill be indefinitely postponed; and the question thereon being taken, it was decided in the affirmative, by yeas and nays, as follows:

Yeas.—Messrs. Brown, Clark, Crutchfield, Fillingim, Hanks, Magness, Pope, Scott of Hempstead, Scott of Pope, Smith, Stilwell, Talbot, and Wilson.—13.

Nays.—Messrs. Calvert, Gibson, Holland, Hudspeth, Livingston, Manly, Menefee, Whinnery, Wolf, and Mr. Speaker.—10.

And so the bill was indefinitely postponed.

Message from the Legislative Council, by Mr. *Bridges*.

Mr. *Speaker*—I am instructed to inform you, that the Legislative Council have passed the following resolution, viz:

WHEREAS, it is represented to this General Assembly, that a good and practicable road can be made from a point on the Mississippi river, opposite Randolph, in Tennessee, to intersect the road from Jackson to Washington, in Hempstead county, at a point near Batesville; and that John Troy, William Arnold, and Peter G. Reaves, will explore said route, without any charge for their labor and expense. Therefore:

Be it resolved by the Legislative Council and House of Representatives of the Territory of Arkansas, That the said John Troy, William Arnold, and Peter G. Reaves, be, and they are hereby, appointed commissioners to explore said route; and, on the completion of their labors, to report the same to the Governor of this Territory; and, should it appear by their report, that a good site for a road can be had, connecting said points, then, and in that case, the Governor be, and he is hereby, requested to transmit the report of said commissioners to our Delegate in Congress; and ask your concurrence therein.

And the said resolution was adopted.

Message from the Legislative Council, by Mr. *Hartfield*.

Mr. *Speaker*—I am instructed to inform you, that the Legislative Council have agreed to recede from the amendment made in the Council, to a memorial, from the House of Representatives, praying an appropriation to open a road from Chicot to Paraclifta; and herewith return the same to the House of Representatives. And, also, that they have passed a bill, entitled an act changing certain Revenue; which is herewith transmitted for your concurrence.

And the said bill was read a first time, and the rules of the House being dispensed with.

On motion of Mr. *Wilson*, the said bill was read a sec-

ond time, amended, and the rules being dispensed with, it was read a third time and PASSED.

On motion of Mr. *Hanks*, the House then resolved itself into a Committee of the Whole, Mr. *Crutchfield* in the chair, on the bill, entitled an act providing for Election Returns for Delegate to Congress and Members of the General Assembly of this Territory; and, after some time spent therein, the committee rose and reported the bill, with several amendments; which were concurred in by the House, and the bill was,

On motion of Mr. *Wilson*, ordered to be engrossed for a third reading on Tuesday.

And, on motion, the House adjourned.

LEGISLATIVE COUNCIL.

Tuesday, November 1, 1831.

Mr. *Douglass*, from the Joint Committee on Enrollments, reported, that they had examined the following enrolled bills and memorials, to wit: An act to provide for the leasing, for a limited time, the lands reserved by the Congress of the United States, for the support of Schools within each township in this Territory, approved Nov. 21st, 1829; an act to authorize William S. Lockert to erect and build a Toll Bridge across the Saline river; an act permanently to locate the Seat of Justice in the county of Miller, and more distinctly to define the boundary lines of said county; an act supplementary to an act passed Nov. 2d, 1829, to erect and establish the county of Jefferson; an act to dissolve the bonds of matrimony between Beverly Stubblefield and Nancy W. Stubblefield, and between Gideon Dunn and Hester Dunn; a memorial to Congress, praying for an appropriation to open a road from Jackson, Lawrence county, by Izard C. H. to Fayetteville, Washington county; a memorial to Congress, for the privilege of electing a Governor; an act to extend the jurisdiction of Justices of the Peace in matters of a civil nature; an act to repeal the several acts now in force in this Territory concerning writs of certiorari, and for other purposes; an act further to regulate the duties of Executors and Administrators; an

act to regulate the fees of Prosecuting Attornies; a memorial to the Congress of the United States, for an appropriation to open a road from Clark C. H. to the Territorial line, in the direction of Monroe, La.; a memorial to the Congress of the United States, praying for an appropriation for the payment of the agents engaged in the selection of the Seminary Lands; a memorial to the Congress of the United States, praying for an appropriation to erect a Hospital at the Hot Springs. And had found them all truly and correctly enrolled.

Mr. *McKenzie*, from the Select Committee to which was committed the bill, entitled an act regulating the mode of Plaintiff's establishing their accounts to the amount of ten dollars, reported the same, with an amendment, as a substitute, in lieu of the whole bill, entitled an act supplementary to the several laws now in force regulating the collection of Small Debts; which amendment was read and adopted.

Mr. *Farrelly* then offered an additional amendment; which was also adopted, and the bill ordered to be engrossed and read a third time to-morrow.

Mr. *Farrelly*, from the Joint Committee on the Auditor's and Treasurer's Books, reported, that the committee had, according to order, balanced the Books of the Treasurer, and burnt the Scrip remaining in the Treasury—four hundred and forty-four dollars and seventy-nine cents—leaving a balance in the Treasury of thirty-one dollars 22½ cents.

Mr. *Patton*, from the Select Committee to which was committed the memorial to the Congress of the United States, for an appropriation to remove the obstructions to navigation in the bayou Barthelmi, reported the same, with an amendment in lieu thereof; which was read and adopted.

The memorial was then read a third time, the second being dispensed with, and PASSED.

Ordered, That Mr. *Patton* transmit the same to the House of Representatives, and ask their concurrence therein.

Mr. *Boswell*, from the Select Committee to which was committed the engrossed bill, from the House of Repre-

representatives, entitled an act supplementary to an act attaching a part of the country acquired by treaty from the Cherokees, to the counties of IZARD, INDEPENDENCE and CONWAY, reported the same, with an amendment; which was read and adopted.

Ordered, That said amendment be engrossed, and the bill read a third time to-morrow.

A message from the House of Representatives, by *Mr. Livingston*.

Mr. President—I am instructed to inform you, that the House of Representatives have concurred in the resolution from the Legislative Council, appointing John Troy, William Arnold, and Peter G. Reaves, commissioners to review and make report on a road from a point opposite Randolph, Tennessee, to intersect the road from Washington to Jackson, Arkansas.

The bill, entitled an act amendatory to an act concerning Gin holders, was read a second time, and ordered to be engrossed for a third reading to-morrow.

The engrossed bills, from the House of Representatives, entitled an act supplementary to an act entitled an act to regulate the collection of taxes on Military Bounty Lands; an act defining the qualifications of Electors in the Territory of Arkansas; an act to define in part the duties of Sheriffs and Constables, and for other purposes; and an act to regulate the fees of Sheriffs,—were severally read a second time: the first of which was ordered to a third reading to-morrow, and the three last committed to a Committee of the Whole, and made the order of the day for to-morrow.

Mr. Farrelly, from the Select Committee to which was committed the bill, entitled an act to apportion the representation among the several counties of this Territory for the year 1833, reported the same, with an amendment; which was read and adopted.

Ordered, That the bill be engrossed and read a third time to-morrow.

The bill, entitled an act to attach a part of St. Francis to Jackson county, was read a second time, and committed to a Select Committee, consisting of Messrs. *Tidwell, Ingram, and Lincecum*.

The bill, from the House of Representatives, entitled

an act supplementary to an act appointing commissioners and levying a tax for the building a Jail in Arkansas county, was read a second time, and the rules being dispensed with, read a third time, and PASSED.

Ordered, That Mr. *Hughes* return the same to the House of Representatives.

A message from the House of Representatives, by Mr. *Wilson*.

Mr. President--I am instructed to inform you, that the House of Representatives have adopted the following resolution:

Resolved, That so much of the joint resolution for the election of Auditor and Treasurer and Justices of the Peace, as requires the vote to be taken by *ballot*, be rescinded; and that the vote for Treasurer and Auditor, be taken *viva voce*.

To which resolution, Mr. *Farrelly* proposed the following amendment, to wit: Strike out the words in the last line, "*viva voce*," and insert "by calling the roll of each House, the members each to name the person they vote for, on the call; and that Justices of the Peace be elected agreeable to a resolution of 1829, adopted for that purpose." Which amendment was adopted.

Ordered, That Mr. *Farrelly* inform the House of Representatives thereof, and ask their concurrence therein.

A message from the House of Representatives, by Mr. *Clark*.

Mr. President--I am instructed to inform you, that the House of Representatives have passed the bill, from the Legislative Council, entitled an act authorizing the infant heirs of John Kepler, deceased, to convey a tract of land; which is herewith returned. They have also passed, No. 59, an act supplementary to the law defining the crime of maiming; No. 65, an act for the relief of Richard C. Byrd, Auditor of the Territory of Arkansas; No. 66, an act providing for Election Returns for Delegate to Congress and Members of the General Assembly of this Territory:—which are transmitted for concurrence. I am also instructed to inform you, that the House of Representatives have agreed to the amendment of the Council, to the act to amend the several laws now in force regulating Revenue.

Two of which said bills, viz: Nos. 59 and 65, were severally read the first time, and ordered to a second reading; and the other, No. 60, read the first time, and rejected.

A message from the House of Representatives, by Mr. Calvert.

Mr. President—I am instructed to inform you, that the House of Representatives have passed the memorial to Congress on the subject of Salt Springs, &c., with some amendments; which are transmitted for concurrence.

Which amendments were read and agreed to.

Ordered, That Mr. Hartfield inform the House of Representatives thereof.

A message from the House of Representatives, by Mr. Whinnery.

Mr. President—I am instructed to inform you, that the amendment of the Legislative Council, to the resolution on the mode of electing Auditor, Treasurer, and Justices of the Peace, has been agreed to by the House of Representatives.

The engrossed bills, entitled an act amendatory to the law in Geyer's Digest, under the head of Small Debts; an act to prevent malicious prosecutions; and an act better to define the line between Independence county and Izard county,—were severally read the third time, and PASSED with their respective titles aforesaid.

Ordered, That Mr. Singlear transmit said bills to the House of Representatives, for their concurrence therein.

On motion of Mr. Farrelly, the Legislative Council then repaired to the House of Representatives, for the purpose of electing, by joint vote of both Houses, an Auditor and Treasurer and Justices of the Peace for the Territory.

[*For the proceedings of the joint ballotings and a list of the Officers elected, see this day's proceedings of the House of Representatives.*]

The Legislative Council having retired to their Chamber—

The engrossed bills, entitled an act for the relief of the Clerk of Jackson county, and an act providing for the location of Seats of Justice; and the bills, from the House of Representatives, entitled an act concerning suits on penal bonds, and other writings under seal, and an act to incorporate the Baptist Church at Little Rock, and for other purposes,—were severally read the third time and PASSED with their respective titles aforesaid.

Ordered, That the same be transmitted to the House of

Representatives, and their concurrence asked to the two first mentioned.

Mr. *Wells* then made a motion to adjourn; which was rejected.

The bill, entitled an act for the relief of Mary-Ann McSwiney, was read a third time; to which

Mr. *Sinclear* offered the following amendment, to wit: *And be it further enacted*, That the bonds of matrimony heretofore solemnized between Abraham S. Welty and Jemima Welty, alias Jemima Luster; John Scaggs and Lucinda Scaggs, alias Lucinda Farmer; Jonathan Clark and Lucretia Clark, alias Lucretia Gilbreath; Abraham Smawley and Elizabeth Smawley; John Hays and Polly Hays; James Tucker and Edah Tucker; Peter Englishby and Mary Englishby; Ambrose Frier and Letitia Frier, alias Letitia English; Joseph Fenton and Polly Fenton; Thomas Griffin and Mary Griffin; Alexander W. Sweeney and Susannah Sweeney; Bryant Ferrill and Mary D. Ferrill; John McKinnish and Ann McKinnish, alias Ann Ward; Loretta Piles, alias Loretta Elkins, and Overton Piles; Joel Miller and Mary Miller:—be, and the same are hereby, fully and completely dissolved. And that either of them shall be fully and completely at liberty to enter into any marriage contract in the same manner as if the bonds of matrimony had never been entered into or solemnized between them. This act shall take effect, and be in force, from and after its passage.

And on the question, *Shall the amendment be adopted?* Mr. *Wolf* called for the ayes and noes, which stood as follows, to wit:

Ayes.—Messrs. Bridges, Collins, Douglass, Hughes, Ingram, Lincecum, McAmy, Sinclear, Tidwell, Wells, and Witter.—11.

Noes.—Messrs. Blount, Boswell, Farrelly, Hackett, Hartfield, McKenzie, Orr, Patton, Pennington, Wolf, and Mr. President.—11.

And the amendment was rejected.

Mr. *Sinclear* then moved to amend the bill, by striking out the first section, with the enacting clause; which amendment was adopted, and the bill rejected.

The engrossed bill, from the House of Representatives, entitled an act for the relief of Richard C. Byrd, Auditor of this Territory, was taken up, and

On motion of Mr. *Hughes*, re-committed to a Committee of the Whole, and made the order of the day for tomorrow.

Mr. Orr then made a motion to adjourn; which was rejected.

The engrossed bill, entitled an act for the relief of Creed Taylor, Sheriff of Jefferson county, was taken up, read a third time, amended, and PASSED as amended, with the title aforesaid, and ordered to be transmitted to the House of Representatives for their concurrence.

And, on motion of Mr. Bridges, the Legislative Council adjourned.

HOUSE OF REPRESENTATIVES.

Mr. Brown, from the Committee on Enrolled Bills, reported, that the committee had examined bills of the following titles, to wit: An act supplementary to an act providing for the leasing, for a limited time, the lands reserved by the Congress of the United States for the support of Schools in each township in this Territory, approved Nov. 21st, 1829; an act to authorize William S. Lockert to erect and build a bridge across the Saline river; an act permanently to locate the Seat of Justice in the county of Miller, and more distinctly to define the boundary lines of said county; an act supplementary to an act, approved Nov. 2d, 1829, to erect and establish the county of Jefferson; an act dissolving the bonds of matrimony between Beverly Stubblefield and Nancy W. Stubblefield, and between Gideon Dunn and Hester Dunn; a memorial to Congress, praying for an appropriation to open a road from Jackson, Lawrence county, by Izard C. H. to Fayetteville, in Washington county; a memorial to Congress, to elect a Governor in the Territory of Arkansas; an act to extend the jurisdiction of Justices of the Peace in matters of a civil nature; an act to repeal the several acts now in force in this Territory concerning writs of certiorari, and for other purposes; an act further to regulate the duties of Executors and Administrators; an act regulating the fees of Prosecuting Attornies; a memorial to Congress, praying an appropriation to open a road from Clark C. H. to the Territorial line, in the direction of Monroe, La.; a memorial to Congress,

praying an appropriation for the payment of the agents engaged in selecting Seminary Lands; a memorial, praying an appropriation to erect a Hospital at the Hot Springs. All of which said bills and memorials are found to be correctly enrolled.

And said bills, mentioned in said report, were severally signed by the Speaker.

Mr. *Pope*, from the Committee on the Judiciary, to whom was referred the bill, entitled an act to define the time of holding the Circuit Courts in Hempstead county, made report, that they have, according to order, had the same under consideration, and reported a substitute, with the following title, to wit: A bill, to be entitled an act to define the time of holding the Circuit Courts in the county of Hempstead; which was read, and

On motion of Mr. *Menefee*, the rules of the House being dispensed with, read a second time, committed to a Committee of the Whole, and made the order of the day for to-morrow.

Mr. *Pope*, from the Committee on the Judiciary, to whom was referred the bill, entitled an act authorizing the infant heirs of John Kepler, deceased, to convey a tract of land, reported the same, without amendment.

Mr. *Rutherford*, from the committee to whom was referred the bill, entitled an act supplementary to the several laws regulating the Militia of this Territory, reported the same, without amendment, and

On motion of Mr. *Brown*, the bill was committed to a Committee of the Whole, and made the order of to-day.

Mr. *Rutherford*, from the Joint Committee to examine the Auditor's and Treasurer's Books, made the following REPORT:

The Joint Committee on the Auditor's and Treasurer's Books, have, according to order, balanced the Books of the Treasurer, and burnt of the Scrip remaining in the Treasury, four hundred and fifty-four dollars and 79 cents; leaving a balance in the Treasury of thirty-one dollars 22½ cents.

The bill for the relief of Richard C. Byrd, Auditor of the Territory of Arkansas; the bill, to be entitled an act providing for Election Returns for Delegate to Con-

gress and Members to the General Assembly of this Territory; and the bill, to be entitled an act supplementary to the law defining the crime of maiming,—were severally read a third time, **PASSED**, and sent to the Legislative Council for concurrence.

The bill, from the Legislative Council, entitled an act authorizing the infant heirs of John Kepler, deceased, to convey a tract of land, was taken up, read a second time, and the rules of the House being dispensed with, read a third time, **PASSED**, and returned to the Legislative Council.

On motion of *Mr. Crutchfield*, the House formed itself into a Committee of the Whole, *Mr. Hudspeth* in the chair, on the memorial, from the Legislative Council, to the Congress of the United States, praying that some disposition be made of the Salt Springs in Arkansas; and, after some time spent thereon, the committee rose and reported the same, with some amendments; when,

On motion of *Mr. Scott of Pope*, the rules of the House were dispensed with, and the memorial read a third time, **PASSED**, and returned to the Legislative Council.

The House were informed by messages from the Council, that the Council have agreed to the amendment made in the House of Representatives to a bill, from the Legislative Council, entitled an act changing certain Revenue; and, also, that they have passed a bill, from the House, entitled an act to amend the several laws now in force regulating Revenue, with some amendments; which bill is herewith transmitted, and ask your concurrence in the amendments. Also, that the Council have passed a memorial to the Congress of the United States, asking an appropriation to remove the obstructions to navigation in the bayou Barthelmi; which is herewith transmitted for your concurrence. Also, that the Council have passed a bill, from the House, entitled an act supplementary to an act appointing commissioners and levying a tax for the building a Jail in Arkansas county; which is herewith returned to the House. Also, that the Council have agreed to the amendments made by the House, to the memorial from the Council, to the Congress of the

United States, on the subject of the Salt Springs.

The bill, entitled an act to amend the several laws now in force regulating Revenue, which had been amended in the Council, was taken up, and

On motion of Mr. *Wilson*, the amendments were agreed to.

Mr. *Wilson* offered the following resolution:

Resolved, That so much of the joint resolution for the election of Auditor, Treasurer, and Justices of the Peace, as requires the votes to be taken by ballot be rescinded, and that the vote for Treasurer and Auditor be taken *viva voce*.

Which was adopted.

The memorial, from the Legislative Council, to the Congress of the United States, for an appropriation to remove the obstructions to navigation in the bayou Barthelmi, was taken up, read, and the rules of the House being dispensed with, it was read a second time, and

On motion of Mr. *Wilson*, committed to a Committee of the Whole, and made the order of the day for tomorrow.

On motion of Mr. *Hanks*, the House resolved itself into a Committee of the Whole, on the bill, entitled an act to provide for the distribution of the Acts and Journals of the General Assembly of the Territory of Arkansas, Mr. *Wolf* in the chair; and, after some time spent thereon, the committee rose and reported the bill, as amended; which amendments were agreed to by the House, and the bill ordered to be engrossed.

Message from the Legislative Council, by Mr. *Farrelly*.

Mr. *Speaker*—I am instructed to inform you, that the Legislative Council have agreed to the resolution from the House of Representatives, on the subject of electing Auditor and Treasurer, with the following amendment: Strike out the words "*viva voce*," and insert "by calling the roll of each House, the members each to name the person they vote for on the call; and that Justices of the Peace be elected agreeable to the resolution of 1829, adopted for that purpose; and ask your concurrence.

Whereupon, on motion of Mr. *Wilson*, the amendment was adopted.

The President and Members of the Legislative Council, together with their Secretaries, having repaired to

and assembled in this House, for the purpose of electing an Auditor and Treasurer and Justices of the Peace—

Mr. Scott of Pope nominated for the office of Auditor, **SAMUEL M. RUTHERFORD**.

Mr. Farrelly nominated **EMZY WILSON**.

And the Secretary of the Legislative Council and the Clerk of the House of Representatives, having called the roll of their respective Houses, on counting the votes, they were as follows:

For **EMZY WILSON**—

Messrs. Blount, Boswell, Collins, Farrelly, Hughes, Ingram, McKenzie, Orr, Patton, Pennington, Sinclear, Wells, Wolf of Izard, President, (Caldwell) Calvert, Clark, Gibson, Hanks, Holland, Livingston, Magness, Menefee, Pope, Smith, Stilwell, Whinnery, Wolf of Crawford, and Speaker (Trimble)—28.

For **SAMUEL M. RUTHERFORD**—

Messrs. Bridges, Douglass, Hackett, Hartfield, Lincecum, McAmy, Tidwell, Witter, Brown, Crutchfield, Fillingim, Hudspeth, Manly, Scott of Hempstead, Scott of Pope, Talbot, and Wilson.—17.

So **EMZY WILSON** was declared duly elected Auditor of the Territory of Arkansas.

Mr. Farrelly nominated **JAMES SCULL** for the office of Treasurer; and there being no other person in nomination, he was unanimously elected Treasurer of the Territory of Arkansas.

The two Houses then proceeded to a joint election of Justices of the Peace for the several counties in this Territory, and elected the following named persons, viz:

In the county of Arkansas.—James Maxwell, Hewes Scull, Richmond Peeler, Benjamin L. Haller, Thompson Simpson, James S. Clayton, Rufus S. Mixter, Jeremiah Courtney, Abraham Knowlton, David Mifford, Stephen Harris, John Taylor, Terence Farrelly, John C. McLemore, John Maxwell, Thomas Garrison, Henry J. McKenzie, John Wilkinson, William S. Grooms.

In the county of Chicot.—John Mathis, Daniel Ferrill, Hugh Logair, John Inglis, Samuel Patterson, Samuel Jenkins, John Gibson, James Blain, Robert O. Dabney, Samuel Usselton, James Russell, George W. Archer, Thomas Weldon, John Fulton, William Geiger, Whit-

tey Preston, Isaac Moore, John White, Samuel Wallace.

In the county of Clark.—Adam Stroud, Winthrop Colbath, Jonathan O. Callaway, Benjamin Lewis, Moses Moore, Washington Sorrels, John Speer, William Kelly, Jacob Stroope, sen., Isaac Ward, John Roze, Joshua D. Stewart, Ambrose Frier, Isaac White.

In the county of Conway.—Thomas Mathers, Nimrod Menefee, John Hibben, John Linton, John L. Lafferty, Miles Morrison, Russell Bates, Joseph Campbell, William H. Robertson, Hugh Scott, Thomas Yates, Charles R. Sanders, William Hamblin, William Wilde, William Standlee, Edward Simpson, William Dougherty, Joseph John Simmons.

In the county of Hot Spring.—A. N. Sabin, Warren Dunham, R. C. Hawkins, Zimri Bennett, Benedict Herrell, William Harrington, John Williams, George W. Rogers, John Peyton.

In the county of Crawford.—Matthew Moore, Joshua Fisher, Hugh Knox, Robert Sinclear, John J. Hammonds, Cyrus Parks, Andrew Morten, William Black, John Shannon, Clement Mobley, Henry Mahon, David H. Corder, Eli Bell, Ira Smoot, John Moore, Thomas Hixon, Jesse Noakes, Gilbert Marshall, George C. Walker, Walter Catheran, Sylvanus B. Walker, Thomas Fulcher, Marcus Hogan, James Gilbreath, William Whiston, Alfred Henderson, Ezra Wilson, George C. Pickett, Samuel Edmonson, Edward Blackamore.

In the county of Crittenden.—George C. Barfield, Elijah Beauford, Parson H. Swain, William Hudgeons, Daniel Harriss, Owen Evans, Thomas J. Mills, John Troy, Peter G. Reaves, William Young, Champress Keezee, Eli Gleason, Wiley Lewis, Archibald B. Hubbard, Arthur C. Welch, Charles N. Blackamore, Oliver Wallace, sen., Samuel Lewis, Horatio N. Furguson, Edwin Jones, Thomas M. Fletcher, Waitman Goslin, William Hogan, Isaac Burgett, Daniel Harklerod, William O'Neal, Jonathan D. Hopkins, Randal Wilson, Walter Ball.

In the county of Hempstead.—Benjamin Start, Robert Barber, William McDonald, Robert M. Bailey, Charles Pettigrew, Joseph Stuart, Thomas W. Fuquay, James Moss, Absalom Mading, Allen M. Oakley, John Baird, James W. Judkins, Willis Willard, Nathan D. Smith, William Sims, Michael Mallow, William Arnett, John F. Griffin, Enoch J. Smith, William Shaw, William Beatty, Calvin Merry, George Hill, Mathias Eads.

In the county of Independence.—Richard Peel, sen., John W. Meacham, Caleb S. Manly, William Arnold, Thomas S. Palmer, Peyton Tucker, William Griffith, Austin R. Eafferty, James Boswell, Pleasant Turney, Benjamin Watson, Isaac Robinson, James McBride.

In the county of Jackson.—Bird Condry, Joseph Bridge-man, John C. Saylor, Thomas Peel, John James, Reddin Stokes, Elijah Bartley, Hiram Glass, Peter O. Powell, James Bennet.

In the county of Izard.—James Harris, Aaron Roberts, Jehoida Jeffrey, Robert Livingston, John A. Allen, Jesse Langston, Hugh Tinnin, John P. Houston, John E. Stallings, Jesse Everitte, Joseph Rea, Lewis R. Wells, Ewing Hogan, Jesse N. Dod, William King.

In the county of Jefferson.—George Flynn, sen., Stephen Furguson, Etheldred Varsier, Sam. C. Roane, Henry Bradford, John Pullen, John Dodge, Ignace Boggy, Louis Boggy, John Palmer, sen., William P. Hackett, Wigton King, William Bailey, John Fisher, Nehemiah Holland.

In the county of Lafayette.—James S. Conway, Davidson Bradley, Fleetwood Herndon, Joshua Morrison, George C. Duty, John Waggoner, Massack H. Janes, Jacob Buzzard, George Dooley, William Aikins.

In the county of Union.—Daniel Russel, Green B. Hughes, Benjamin Gooch, Joseph Neeley, Thomas Franklin, Jonathian Black, Jr., Levi C. French, Jacob G. Pennington, Ethelbert S. Franklin, Isaac Pennington.

In the county of Lawrence.—Peyton R. Pitman, John L. Cechran, James Luttrell, William Jarrett, James Boyd, Burwell J. Wilie, Benjamin Jones, Isham F. Allcorn, John F. Boothe, Beverly R. Baker, John E.

Moore, Solomon Hudspeth, Daniel Williams, Caleb Halcomb, Alfred L. Sloan, Thomas Mearrol, Henry Wayland, Alexander Henderson, Jesse Jeoffrey, Samuel Crowley, Charles Robertson, Richmond Hall, Isaac Lamb.

In the county of Miller.—David C. Steel, Travis G. Wright, George C. Wetmore, John Ward, Nathan G. Crittendon, John Rainey, Collin McKenny, John Morton, Gabriel N. Martin, William Wright, Samuel D. Worthington, James Clark.

In the county of Sevier.—Baley English, James Right, Philander Littell, Asa Blankinship, Roger McCown, Alexander Lynch, David Foran, James Holman, William Wright, Greene Orr, William McCown, Morris Rulong, Lorenzo D. French, Reuben Ratcliff, Benjamin Patton, Joseph McCravens, John McCowan.

In the county of Phillips.—Henry Wiggins, Charles P. Smith, Silas Pledger, Henry Kimbal, Benjamin Burris, Peter Edwards, William F. Moore, E. T. Clark, James H. McKenzie, Dodson Thorp, Elijah McNab, William B. R. Horner, George W. Ferebee, Eli J. Lewis, John Sanford, William H. Calvert, Isaac Bower, James Hanks, Duke H. Harris, William Tucker, Silas Drewry.

In the county of Pope.—John McCasley, Mark Robinson, Benjamin Langford, John Bolinger, Morris Brown, James P. Kiszee, Abraham S. Hick, Robert A. Logan, John Williamson, William Carden, Joseph Gibson, Westley Garrett, William M. H. Newton, Geo. Jameson, William Sadler, Jesse Burton, William Graham, Josiah Perry, John Logan, William Hull, Miles T. Scott.

In the county of Pulaski.—Thomas Arbuckle, James Saunders, James Mills, James Erwin, Lewis Kirkpatrick, John Arnold, William Britten, John Bell, John P. Brown, James Hester, Rezin Davis, Richard Brazil, Samuel Williams, James Lawrence, William S. Lockert, William P. Thompson, Rudolph N. Roland, William G. Hogan, Samuel D. Blackburn, John Cook, Dudley D. Mason, Samuel H. Hinkson, Burk Johnson, Peter T. Crutchfield, Thomas B. Erwin, Matthew Cuning-

ham, Robert Crittenden, John Douglass, Archibald McHenry, Abner Herel, Henry Massengill, Jesse Brown, Ezra M. Owen, Valentine Brazil, Eli Lindsey.

In the county of St. Francis.—Charles Shaver, Chesley Franks, William G. Cox, William Dodson, Daniel Mitchell, Joseph Shaver, Ajoz Tyre, John Johnson, Nicholas B. Clopton, Green B. Lincecum, Joshua Barnes, William Fulkerson, John McDaniel, Henry Holbert, John Douglass, William Enos, John W. Calvert, Elisha K. James.

In the county of Monroe.—John R. Dye, Sam'l Rainey, Philip Crise, Aaron P. Morris, John C. Montgomery, William Jacobs, Alexander Reese, John Gowings, John King, Andrew Dobbin, William Ingram.

In the county of Washington.—William J. Estis, Samuel McMurry, Joseph Smith, George E. Webber, Alexander W. Sweaney, John Wilson, William Crisp, Bryant H. Smithson, William B. Woody, John C. Blair, Henry Curenton, John B. Walker, Benton Hill, Jacob Chandler, John G. Stout, Levi Lee, Willis McCan, William Stephens, John Billingsly, James Stevenson, James Maxfield, George Morow, Robert McAmy.

On motion of Mr. Farrelly, the election of Medical Censors was postponed to some future day—

And the Legislative Council having retired,

On motion, the House adjourned.

LEGISLATIVE COUNCIL.

Wednesday, November 2, 1831.

Mr. Douglass, from the Joint Committee on Enrolments, reported, that the committee had examined the following enrolled bills, to wit: An act to alter and establish permanently the boundary line between the counties of St. Francis and Crittenden; a memorial to the Congress of the United States, for an appropriation to open a road from the Mouth of White river to the lower end of the Grand Prairie, in Arkansas county; a memorial to the President of the United States, praying for the removal of certain Indians; an act to prevent Justices of the Peace from receiving money on judgements

obtained before them in civil cases; a memorial, praying for a pre-emption to the citizens of Arkansas; a memorial, praying for a road from Chicot to Paraclista,— And had found them all truly and correctly enrolled.

Mr. Hartfield, from the Select Committee to which was committed the memorial, from the House of Representatives, to the Congress of the United States, praying for an appropriation to open the Raft of Red river, reported as an amendment, a substitute in lieu thereof, which was read and adopted. The memorial was then read a third time and **PASSED**.

Ordered, That *Mr. Hartfield* inform the House of Representatives thereof, and ask their concurrence therein.

A message from the House of Representatives, by *Mr. Clark*.

Mr. President—I am instructed to inform you, that the House of Representatives have adopted the following resolution, to wit:

Resolved, That a committee of three be appointed on the part of this House, to act jointly with such committee as may be appointed on the part of the Legislative Council, to hand to our Delegate to Congress, the memorial of the Legislative Council and House of Representatives, praying the right to elect a Governor and Secretary, in the Territory of Arkansas; and that said committee be instructed to request the particular attention of the Delegate to the same; and that the House of Representatives have appointed, on their part, Messrs. *Scott of Pope, Livingston, and Clark*, to be said committee.

Mr. Sinclear then moved to concur in said resolution; and upon that question,

Mr. Farrelly called for the yeas and nays, which stood as follows, to wit:

Yeas.—Messrs. *Blount, Boswell, Farrelly, Hughes, Ingram, McKenzie, Orr, Patton, Pennington, Sinclear, Wells, Wolf, and Mr. President*.—13.

Nays.—Messrs. *Bridges, Collins, Douglass, Hackett, Hartfield, Lincecum, McAmy, Tidwell, and Witter*.—9.

And the resolution was concurred in, and Messrs. *Sinclear, Farrelly, and Bridges*, were appointed on said committee on the part of the Legislative Council.

Ordered, That *Mr. Farrelly* inform the House of Representatives of the same.

Mr. Witter, from the Select Committee to which was

committed the bill, entitled an act to authorize judgement creditors to issue garnishments in certain cases; and the bill, from the House of Representatives, entitled an act to enable judgement creditors to collect their debts with more facility,—reported them both without amendment; and recommended that the former should be laid on the table.

Which report was received, and the said bill was ordered to lie on the table.

Mr. *Witter* then proposed an amendment to the latter; which was adopted, and the bill read a third time and PASSED.

Ordered, That Mr. *Witter* return the same to the House of Representatives, and ask their concurrence to said amendments.

Mr. *Lincecum*, from the Select Committee to which was committed the bill, entitled an act to attach a part of St. Francis to Jackson county, reported the same, without amendment; which was then read the third time and rejected.

A message from the GOVERNOR, by William B. R. Horner, Esq. Assistant Secretary of the Legislative Council.

Mr. *President*—I am instructed by the Governor to inform your honorable body, that he did, on this day, approve and sign the following memorials, viz:—A memorial to Congress, praying an appropriation of twelve thousand dollars for the purpose of making a road from Miller court-house through the counties of Sevier, Crawford, and Washington, in the direction of Jefferson Barracks, in Missouri. A memorial to Congress, praying for the relief of those settlers who lost their improvements by means of the Cherokee treaty, concluded in 1817. A memorial to Congress, praying for relief to those settlers who fell within the Choctaw boundary agreeably to the treaty of June 20th, 1825, and who, by removal east of that line, were deprived of the benefit of the donation law, passed 24th March, 1828, in favor of settlers who resided west of the Territorial line, as established by the Choctaw treaty, ratified on the 23d March, 1828. A memorial to Congress, praying an appropriation of fifteen thousand dollars for making a road from Strong's (a point on the Military road from Memphis, Tennessee, to Little Rock,) to Batesville, in this Territory. A memorial to Congress, praying an appropriation of five thousand dollars to improve

the navigation of White river. A memorial to Congress, praying an appropriation of five thousand dollars for making a road from Helena, to intersect the road from Memphis to Little Rock. Also, an act regulating the fees of Sheriffs for taking the Territorial census, and for other purposes.

A message from the House of Representatives, by *Mr. Hudspeth*.

Mr. President—I am instructed to inform you, that the House of Representatives have passed a memorial to the Congress of the United States, praying an appropriation to clear the snags and other obstructions to navigation in the Arkansas. They have also passed a bill, to be entitled an act to change the time of holding the Circuit Courts in and for the counties of Pulaski and Hot Spring, and for other purposes; and a bill, entitled an act to provide for the distribution of the Acts and Journals of the General Assembly of the Territory of Arkansas: Which are all herewith transmitted for your concurrence. They have also passed a memorial from the Legislative Council, to the Congress of the United States, praying for an appropriation to remove the obstructions to navigation in the bayou Barthelmi; which is herewith returned.

The first mentioned memorial was then taken up and read the first time, and the second and third readings being dispensed with, **PASSED**.

Ordered, That *Mr. Blount* return the same to the House of Representatives.

The said bills were then severally read the first time, and ordered to a second reading.

On motion of *Mr. Bridges*, he was excused from acting on the Joint Committee appointed to hand to our Delegate to Congress and request his particular attention to the same, the memorial of the Legislative Council and House of Representatives, to the Congress of the United States, praying the right to elect a Governor and Secretary, in this Territory; and

Mr. Orr was appointed in his stead.

Mr. Witter then moved to take up from the table the bill, entitled an act to abolish the County Courts; which was refused.

On motion of *Mr. Farrelly*, the bill, from the House of Representatives, entitled an act supplementary to the several laws now in force concerning roads and highways, was taken up.

Mr. Farrelly withdrew his amendment offered to said Bill on a previous day; and

Mr. Bridges offered one in lieu thereof, which was read and adopted.

Mr. Boswell then proposed an amendment, giving the jurisdiction of administrations to the Circuit Courts; which was rejected.

Ordered, That the amendment be engrossed, and the bill read a third time to-morrow.

A message from the House of Representatives, by *Mr. Pope*.

Mr. President—I am instructed to inform you, that the House of Representatives have passed the following bills, to wit: A bill, from the Legislative Council, entitled an act for the relief of Creed Taylor, Sheriff of Jefferson county; which is herewith returned. They have also concurred in the amendment of the Legislative Council, to the memorial to the Congress of the United States, praying for an appropriation to open the Raft on Red river.

By *Mr. Hanks*.

Mr. President—I am instructed to inform you, that the House of Representatives have disagreed to the amendment made by the Legislative Council, to the bill, entitled an act to enable judgement creditors to collect their debts with more facility.

Mr. Sinclear, who voted in the majority on the rejection of the bill, entitled an act for the relief of Mary-Ann McSwiney, moved to re-consider his vote thereon; which was granted, and the bill again taken up.

And *Mr. Farrelly*, who voted in the majority on the rejection of *Mr. Sinclear's* amendment to said bill, moved to re-consider his vote thereon; which was granted.

The bill and proposed amendment were then committed to a Select Committee, consisting of Messrs. *Sinclear*, *Boswell*, *Wolf*, *McAmy*, and *Blount*.

On motion of *Mr. Lincecum*, the engrossed bill, from the House of Representatives, entitled an act amendatory of an act to define the time of electing all Civil Officers of this Territory, was taken up, read a third time and rejected.

Ordered, That *Mr. Farrelly* inform the House of Representatives thereof.

The engrossed bills, from the House of Representa-

lives, entitled an act supplementary to the laws defining the crime of maiming; and an act for the relief of Richard C. Byrd, Auditor of the Territory of Arkansas,—were severally read a second time, committed to a Committee of the Whole, and made the order of the day for to-morrow.

The engrossed bill, from the House of Representatives, entitled an act supplementary to an act entitled an act to regulate the collection of taxes on Military Bounty Lands, was read, and

On motion of Mr. *Farrelly*, committed to a Select Committee, consisting of Messrs. *Farrelly*, *Boswell*, and *Witter*.

The engrossed bill, from the House of Representatives, entitled an act supplementary to an act attaching a part of the country acquired by treaty from the Cherokees, to the counties of Izard, Independence, and Conway; and the engrossed bills, entitled an act supplementary to the several laws now in force regulating the collection of Small Debts; and an act amendatory to an act concerning Gin holders,—were severally read the third time and PASSED, with their respective titles aforesaid.

Ordered, That they be transmitted to the House of Representatives.

The engrossed bill, entitled an act to apportion the representation among the several counties of this Territory for the year 1833, was read the third time, and

Mr. *McAmy* moved to re-commit the same to a Select Committee; which was rejected.

The question then recurring, *Shall the bill pass?*

Mr. *McAmy* called for the ayes and noes, which stood as follows, to wit:

Ayes.—Messrs. Blount, Boswell, Bridges, Collins, Farrelly, Hartfield, Ingram, Lincecum, Orr, Patton, Pennington, Sinclair, Tidwell, Wells, Witter, Wolf, and Mr. President.—17.

Noes.—Messrs. Douglass, *McAmy*, and *McKenzie*.—3.

And the bill PASSED, with the title aforesaid.

Ordered, That Mr. *McAmy* transmit the same to the House of Representatives, and ask their concurrence therein.

On motion, the Legislative Council then resolved itself into a Committee of the Whole, Mr. *Hughes* in the chair, on the engrossed bill, from the House of Representatives, entitled an act to call in the Territorial Scrip, and for other purposes; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. *Hughes* reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the same, without amendment.

Then, on motion of Mr. *Farrelly*, the bill was re-committed to a Select Committee, consisting of Messrs. *Farrelly*, *Boswell*, and *Witter*.

And, on motion of Mr. *Bridges*, the Council adjourned.

HOUSE OF REPRESENTATIVES.

Mr. *Scott*, from the Committee on Memorials, reported a memorial to the Congress of the United States, praying an appropriation to remove the obstructions to the navigation of the Arkansas river from its confluence with the Mississippi, to Old Fort Smith, which had been examined by that committee, and they submitted it to the House, without amendment; and the said memorial was read a third time and PASSED.

Mr. *Brown*, from the Committee on Enrolled Bills, reported, that the committee had examined the following bills and memorials, to wit: An act to prevent Justices of the Peace from receiving money on judgements obtained before them in civil cases; a memorial for a road from Chicot to Parclifta; a memorial to Congress, praying for a pre-emption right to the citizens of Arkansas; an act to alter and establish the boundary line between the counties of St. Francis and Crittenden; a memorial to the President of the United States, praying for the removal of certain Indians; and a memorial to the Congress of the United States, praying an appropriation to open a road from the Mouth of White river to the lower end of Grand Prairie, in Arkansas county. And found the same to be correctly enrolled.

Mr. Scott of Pope moved the following resolution, viz:
Resolved, That a committee of three be appointed on the part of this House, to act jointly with such committee as may be appointed on the part of the Legislative Council, to hand to our Delegate to Congress the memorial of the Legislative Council and House of Representatives, praying the right to elect a Governor and Secretary in the Territory of Arkansas; and that said committee be instructed to request the particular attention of the Delegate to the same.

And the question on the adoption of said resolution being taken, it was decided in the affirmative, by yeas and nays, as follows:

Yeas.—Messrs. Calvert, Clark, Gibson, Holland, Hanks, Hudspeth, Livingston, Magness, Menefee, Pope, Scott of Pope, Smith, Stilwell, Wolf, and Mr. Speaker.—15.

Nays.—Messrs. Brown, Crutchfield, Fillingim, Manly, Rutherford, Scott of Hempstead, and Wilson.—7.

And so the said resolution was adopted, and Messrs. *Scott of Pope*, *Livingston*, and *Clark*, were appointed that committee.

Mr. Gibson, from the Select Committee to whom was referred the memorial to the Congress of the United States, praying an appropriation to remove the obstructions to the navigation of the bayou Barthelemi, reported the said memorial to the House, without amendment; and the said memorial was read a third time and PASSED.

Mr. Menefee, from the Committee on Memorials, reported a memorial to the Congress of the United States, praying an appropriation of land for the erection of a Penitentiary in this Territory; and the said memorial was read a first time, and

On motion of *Mr. Wilson*, the rules of the House were dispensed with, and the memorial read a second time.

Mr. Brown, from the Select Committee to whom was referred the bill, to be entitled an act to change the time of holding the Circuit Court in and for the county of Pulaski, and for other purposes, reported the same to the House, with several amendments; and the bill was read a third time and PASSED.

Whereupon, the title was amended, on motion of *Mr. Crutchfield*, and the bill sent to the Legislative Council for concurrence.

The bill, from the Legislative Council, entitled an act to prevent malicious prosecutions, was read a first time, and the rules of the House being dispensed with, the bill was read a third time, and

On motion of Mr. *Wilson*, indefinitely postponed.

The bill, from the Legislative Council, entitled an act better to define the line between Independence county and Izard county, was read a first time, and the rules of the House being dispensed with, read a second time, and

On motion of Mr. *Manly*, committed to a Select Committee, and Messrs. *Manly*, *Menefee*, and *Wolf*, were appointed that committee.

The bill, from the Legislative Council, entitled an act amendatory to the law in Geyer's Digest, under the head of Small Debts, was read a first time, and

On motion of Mr. *Brown*, rejected.

The bill, to be entitled an act to provide for the distribution of the Acts and Journals of this General Assembly, was read a third time and PASSED.

Message from the Legislative Council, by Mr. *Orr*.

Mr. Speaker—I am instructed to inform you, that the Legislative Council have passed bills of the following titles, to wit: An act for the relief of Creed Taylor, Sheriff of Jefferson county; an act for the relief of the Clerk of Jackson county; an act for the location of Seats of Justice:—all of which are herewith sent for concurrence. And they have passed bills, from the House of Representatives, of the following titles, to wit: An act concerning writs on penal bonds and other writings under seal; and an act to incorporate the Baptist Church at Little Rock, and for other purposes:—which are herewith returned to the House of Representatives.

The first of which said bills, the rules of the House, on motion of Mr. *Stilwell*, being dispensed with, was read three several times, and PASSED; the second was read a first time, and ordered to a second reading; and the third was read a first time, and the rules of the House being dispensed with, it was read a second time, and

On motion of Mr. *Hanks*, it was committed to a Committee of the Whole, and made the order of to-day.

Message from the Legislative Council, by Mr. *Farrelly*.

Mr. Speaker—I am instructed to inform you, that the Le-

Legislative Council have agreed to the resolution, from the House of Representatives, raising a committee to present the memorial, praying the right of electing a Governor, to our Delegate to Congress; and have appointed Messrs. *Sinclair, Farrelly, and Bridges*, a committee on their part.

Message from the Legislative Council, by *Mr. Hartfield*.

Mr. Speaker—I am instructed to inform you, that the Legislative Council have passed, with some amendments, a memorial, from the House of Representatives, praying an appropriation to open the Raft on Red river; which is herewith sent for your concurrence in the amendments.

Which amendments, on motion of *Mr. Clark*, were concurred in.

Message from the GOVERNOR, by *William B. R. Horner*, one of his Private Secretaries.

Mr. Speaker—I am instructed to inform your honorable body, that the GOVERNOR did, on this day, approve and sign the following bill, viz: An act to levy a tax in the county of Lawrence, for the purpose of building a Jail in said county; and a memorial to Congress, praying a donation of one quarter section of land to each settler upon the western and south-western frontier of this Territory, within a reasonable distance of the frontier.

Message from the Legislative Council, by *Mr. Witter*.

Mr. Speaker—I am instructed to inform you, that the Legislative Council have passed a bill, from the House of Representatives, entitled an act to enable judgement creditors to collect their debts with more facility; with an amendment, to which they ask your concurrence.

And, on motion of *Mr. Crutchfield*, the House disagreed to said amendment.

On motion of *Mr. Crutchfield*, the House then resolved itself into a Committee of the Whole, *Mr. Manly* in the chair, on the bill, to be entitled an act supplementary to an act to incorporate the town of Little Rock; and, after some time spent thereon, rose and reported the bill, with the following amendment, to wit: Strike out the first section, with the enacting clause.

And the question on agreeing to said amendment being taken by yeas and nays, it was decided in the negative, as follows:

Yeas.—Messrs. *Clark, Gibson, Hudspeth, Magness, Pope, Scott of Pope, Smith, Stilwell, Whinnery, Wolf*, and *Mr. Speaker*.—11.

Nays.—Messrs. Brown, Calvert, Crutchfield, Fillingim, Hanks, Holland, Livingston, Manly, Menefee, Rutherford, Scott of Hempstead, and Wilson.—12.

And so the amendment was disagreed to, and the bill,

On motion of Mr. *Crutchfield*, was referred to a Select Committee, and Messrs. *Crutchfield*, *Manly*, and *Menefee*, were appointed that committee.

On motion of Mr. *Hudspeth*, the House resolved itself into a Committee of the Whole, Mr. *Scott of Pope* in the chair, on the bill, to be entitled an act allowing compensation to the Members of this General Assembly and their Officers; and, after some time spent therein, the committee rose and reported the bill, with amendments; which were concurred in by the House, and the bill ordered to be engrossed for a third reading.

On motion of Mr. *Smith*, the House then resolved itself into a Committee of the Whole, Mr. *Brown* in the chair, on the bill, to be entitled an act to define the time of holding the Circuit Courts in the county of Hempstead; and, after some time spent therein, the committee rose and reported the bill, with sundry amendments; which were concurred in by the House.

Mr. *Scott of Hempstead* moved that said bill be indefinitely postponed; and the question thereon being taken, it was decided in the negative, by yeas and nays, as follows, to wit:

Yeas.—Messrs. Brown, Crutchfield, Gibson, Rutherford, Scott of Hempstead, Wilson, and Wolf.—7.

Nays.—Messrs. Calvert, Clark, Fillingim, Hanks, Holland, Hudspeth, Livingston, Magness, Menefee, Pope, Scott of Pope, Smith, Stilwell, Whinnery, and Mr. Speaker.—15.

And so the motion to postpone indefinitely was lost, and the bill was then,

On motion of Mr. *Scott of Pope*, ordered to be engrossed for a third reading.

Message from the Legislative Council, by Mr. *Blount*.

Mr. *Speaker*—I am instructed to inform you, that the Legislative Council have passed a memorial to the Congress of the United States, asking an appropriation to improve the navigation of the Arkansas river; which is herewith returned to the House of Representatives.

Message from the Legislative Council, by Mr. *Farrelly*.

Mr. Speaker—I am instructed to inform you, that the Legislative Council have rejected the bill, from the House of Representatives, entitled an act amendatory of an act defining the time of electing all civil officers of this Territory; and ask the concurrence of the House of Representatives to a bill containing similar provisions, heretofore sent from the Council to the House.

And thereupon, the bill, entitled an act supplementary to an act providing for the election of all Civil Officers of this Territory, prescribing their duties, oaths and emoluments, and the manner and time of holding elections, and for other purposes, approved 16th Nov. 1829, was,

On motion of *Mr. Manly*, taken up, read a second time, and referred to a Select Committee, and Messrs. *Wilson*, *Crutchfield*, and *Scott of Pope*, were appointed that committee.

Message from the Legislative Council, by *Mr. Boswell*.

Mr. Speaker—I am instructed to inform you, that the Legislative Council have passed an act, from the House of Representatives, entitled an act supplementary to an act attaching a part of the country acquired by treaty from the Cherokees, to the counties of Izzard, Independence, and Conway, with some amendments; and ask your concurrence therein.

Mr. Manly moved to disagree to the said amendments; which motion was decided in the negative, and so the amendments were agreed to, and the bill PASSED.

Message from the Legislative Council, by *Mr. McAmy*.

Mr. Speaker—I am instructed to inform you, that the Legislative Council have passed a bill, entitled an act to apportion the representation among the several counties of this Territory for the year 1833; which is herewith transmitted for your concurrence.

And the said bill was read a first time, and the rules, on motion of *Mr. Wilson*, were dispensed with, and the bill was read a second time; and then,

On motion of *Mr. Scott of Pope*, was committed to a Committee of the Whole, and made the order of the day for Thursday next.

On motion of *Mr. Wilson*, the House resolved itself into a Committee of the Whole, *Mr. Gibson* in the chair, on the bill, to be entitled an act supplementary to the several laws regulating the Militia; and, after some

time spent therein, the committee rose and reported the bill, without amendment; and the bill was ordered to be engrossed for a third reading.

On motion of Mr. *Hanks*, the House then resolved itself into a Committee of the Whole, Mr. *Livingston* in the chair, on the bill, entitled an act appointing commissioners to contract for and superintend the building a Jail and Jailor's House in the town of Helena; and, after some time spent therein, the committee rose and reported the bill, with an amendment; which was concurred in by the House; and then,

On motion of Mr. *Hanks*, the rules of the House were dispensed with, and the bill was read a third time and PASSED.

The bill, from the Legislative Council, entitled an act supplementary to the several laws concerning roads, was taken up, read, and

On motion of Mr. *Hanks*, indefinitely postponed.

The resolution for the relief of George W. Scott, was then taken up, read, and

On motion of Mr. *Crutchfield*, the House resolved itself into a Committee of the Whole, on said resolution, Mr. *Whinnery* in the chair; and, after some time spent therein, the committee rose and reported the said resolution, with an amendment; which was concurred in by the House, and the resolution ordered to lie on the table.

Mr. *Wilson*, from the Select Committee appointed to take into consideration the bill, entitled an act supplementary to an act providing for the election of all Civil Officers, prescribing their duties, oaths and emoluments, and the manner and time of holding elections, and for other purposes, approved 16th Nov. 1829, reported the same to the House, without any amendment; and the said bill was then read a third time and PASSED.

And, on motion, the House adjourned.

LEGISLATIVE COUNCIL.

Thursday, November 3, 1831.

A message from the House of Representatives, by Mr. *Menefee*.

Mr. President—I am instructed to inform you, that the House of Representatives have disagreed to the amendment made in the Legislative Council, to the bill, entitled an act to enable judgement creditors to collect their debts with more facility; and request the Legislative Council to recede from said amendment. That they have passed the following bills, to wit: An act supplementary to an act providing for the election of all Civil Officers of this Territory, prescribing their duties, oaths and emoluments, and the manner and time of holding elections, and for other purposes, approved 16th Nov. 1829; and an act appointing commissioners to contract for and superintend the building a Jail and Jailor's House in the town of Helena, with an amendment: and your concurrence is asked to said amendment. And the said bills are herewith transmitted.

The amendment to the said first mentioned bill, was then taken up, read, and receded from; and the amendment of the House of Representatives to the last mentioned bill, was read and disagreed to.

Ordered, That **Mr. Blount** inform the House of Representatives thereof, and ask them to recede from their amendment to the last mentioned bill.

Mr. Sinclear, from the Joint Committee appointed by a joint resolution of the Legislative Council and House of Representatives of yesterday, to hand the memorial passed by the Legislative Council and House of Representatives, praying that Congress would extend to the people of Arkansas the privilege of electing their Governor and Secretary, to our Delegate in Congress, made a REPORT—[*For a copy of which, and the documents thereto annexed, see this day's proceedings of the House of Representatives.*]

Which report, with the accompanying documents, was ordered to lie on the table.

A message from the GOVERNOR, by William Field, one of his Private Secretaries.

Mr. President—I am instructed by the GOVERNOR to inform your honorable body, that he did, on this day, approve and sign the following bills, viz: An act to repeal the several acts now in force in this Territory concerning writs of certiorari, and for other purposes; an act further to regulate the duties of Executors and Administrators; an act to extend the jurisdiction of Justices of the Peace in matters of a civil nature; an act regulating the fees of Prosecuting At-

tories; a memorial to Congress, praying for an appropriation of \$5000 to make a road from Jackson, Lawrence county, by Izard county C. H., to Fayetteville, in Washington county; a memorial to the President of the United States, praying a removal of a settlement of Shawnee Indians, now inhabiting a part of the Territory of Arkansas; a memorial to Congress, praying for an appropriation to open a road leading from Point Chicot, on the Mississippi river, to the town of Paraclista, in the south-western part of this Territory; a memorial to Congress, praying for the renewal of the late pre-emption law, and for other purposes; a bill, entitled an act to alter and establish permanently the boundary line between the counties of St. Francis and Crittenden; and a memorial to Congress, praying for an appropriation of \$5000, for making a road from the Mouth of White river, to intersect the Grand Prairie, within one mile of the Post of Arkansas.

Mr. Farrelly, from the Select Committee to which was committed the engrossed bill, from the House of Representatives, entitled an act to call in the Territorial Scrip, and for other purposes, reported the same, with sundry amendments, which were read and adopted; and the bill was then read the third time and PASSED.

Ordered, That *Mr. Tidwell* transmit the same to the House of Representatives, and ask their concurrence to said amendments.

Mr. Sinclear, from the Select Committee to which was committed the bill, entitled an act for the relief of Mary-Ann McSwiney, reported the same, with an amendment.

He also made a counter report and an amendment of the minority of said committee.

On the question, *Shall the amendment of the majority be adopted?*

Mr. Wolf called for the ayes and noes, which stood as follows, to wit:

Ayes.—Messrs. Blount, Boswell, Hartfield, Orr, Patton, Pennington, Wells, Wolf, and Mr. President.—9.

Noes.—Messrs. Bridges, Douglass, Farrelly, Hackett, Hughes, Ingram, Lincecum, McAmy, McKenzie, Sinclear, Tidwell, and Witter.—12.

And the amendment was rejected.

The question then recurred upon the adoption of the

reported amendment of the minority; and upon that question,

Mr. *McKenzie* called for the ayes and noes, which stood as follows, to wit:

Ayes.—Messrs. Bridges, Collins, Douglass, Hackett, Hughes, Ingram, Lincecum, McAmy, Sinclear, Tidwell, and Witter.—11.

Noes.—Messrs. Blount, Boswell, Farrelly, Hartfield, McKenzie, Orr, Patton, Pennington, Wells, Wolf, and Mr. President.—11.

And the amendment was rejected.

Mr. *Hughes* then moved to amend the bill, by striking out the first section, with the enacting clause; upon which,

Mr. *Sinclear* called for the ayes and noes, which stood as follows, to wit:

Ayes.—Messrs. Blount, Boswell, Bridges, Hackett, Hartfield, Hughes, Ingram, Lincecum, McAmy, McKenzie, Patton, Sinclear, Wells, and Wolf.—14.

Noes.—Messrs. Collins, Douglass, Farrelly, Orr, Pennington, Tidwell, Witter, and Mr. President.—8.

Which amendment was adopted, and the bill rejected.

The engrossed bills, from the House of Representatives, entitled an act to change the time of holding the Circuit Courts in and for the counties of Pulaski and Hot Spring, and for other purposes; and an act to provide for the distribution of the Acts and Journals of the General Assembly of the Territory of Arkansas,—were severally read a second time: the first, ordered to a third reading to-morrow, and the last,

On motion of Mr. *Witter*, committed to a Committee of the Whole, and made the order of the day for to-morrow.

The engrossed bill, from the House of Representatives, entitled an act supplementary to the several laws now in force concerning roads and highways, was read the third time; and on the question, *Shall the bill pass?*

Mr. *Boswell* called for the ayes and noes, which stood as follows, to wit:

Ayes.—Messrs. Blount, Bridges, Farrelly, Hackett, Hartfield, Hughes, Ingram, Lincecum, McAmy, McKenzie, Patton, Pennington, Sinclear, Wells, and Mr. President.—15.

Noes.—Messrs. Boswell, Collins, Douglass, Orr, Tidwell, Witter, and Wolf.—7.

Resolved, That said bill do pass, and that the title thereof be "An act supplementary to an act establishing County Courts."

Ordered, That Mr. Hughes transmit the same to the House of Representatives, and ask their concurrence to the several amendments thereto.

On motion of Mr. Hughes, the Legislative Council then resolved itself into a Committee of the Whole, Mr. McAmy in the chair, on the engrossed bill, from the House of Representatives, entitled an act defining the qualifications of Electors in the Territory of Arkansas; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. McAmy reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the same, with an amendment.

Which amendment was adopted, and the bill read a third time; and on the question, *Shall the bill pass?*

Mr. Hughes called for the ayes and noes, which stood as follows, to wit:

Ayes.—Messrs. Blount, Boswell, Bridges, Collins, Farrelly, Hartfield, Hughes, Ingram, Lincecum, McKenzie, Orr, Patton, Pennington, Sinclear, Tidwell, Wells, Wolf, and Mr. President.—18.

Noes.—Messrs. Douglass, McAmy, and Witter.—3.

And the bill PASSED.

Ordered, That Mr. Bridges transmit the same to the House of Representatives, and ask their concurrence to said amendment.

A message from the House of Representatives, by Mr. Gibson.

Mr. President—I am instructed to inform you, that the House of Representatives have this day passed the following bills and memorials, to wit: An act supplementary to the several acts concerning attachments; a memorial to Congress, praying a donation of land for the erection of a Penitentiary in Arkansas Territory; an act supplementary to the several laws regulating the Militia of this Territory; an act allowing compensation to the Members of this General Assembly, and their Officers; an act to define the time of holding the Circuit Courts in the county of Hempstead:—which are herewith transmitted to the Legislative Council for their concurrence. I am also instructed to inform you, that they have passed the following bills from the Legislative

Council, to wit: An act for the relief of the Clerk of Jackson county; an act better to define the line between Independence county and Izard county; an act to apportion the representation among the several counties of this Territory for the year 1833. All of which are herewith returned.

The four first mentioned bills were then severally read the first time, and ordered to a second reading: the memorial was also read, and the rules being dispensed with, PASSED.

Ordered, That Mr. *Blount* return the same to the House of Representatives.

A message from the House of Representatives, by Mr. *Magness*.

Mr. President--I am instructed to inform you, that the House of Representatives have passed a bill, from the Legislative Council, entitled an act providing for the location of Seats of Justice, with an amendment; to which your concurrence is asked.

Which amendment was then read and agreed to.

Ordered, That Mr. *Wells* inform the House of Representatives thereof.

Mr. *Farrelly* presented sundry documents and claims from the Sheriff of Phillips county, against the Territory, marked A, B, C, D, E, F, and G; which were referred to the Committee of Ways and Means.

On motion of Mr. *Sinclear*,

Resolved, That James Watson, of Crawford county, be appointed a Justice of the Peace for said county; also, that William Chandler be appointed a Justice of the Peace for Pulaski county,—and that their names be transmitted to the Governor at the same time other names are transmitted to be commissioned. And that the House of Representatives be informed thereof and their concurrence asked therein.

On motion, the Legislative Council then resolved itself into a Committee of the Whole, Mr. *Boswell* in the chair, on the engrossed bill, from the House of Representatives, entitled an act to define in part the duties of Sheriffs and Constables, and for other purposes; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. *Boswell* reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instruct-

ed him to report the same, without amendment.

The bill was then read the third time and PASSED.

Ordered, That *Mr. Blount* return the same to the House of Representatives.

On motion of *Mr. Patton*, the Legislative Council then resolved itself into a Committee of the Whole, *Mr. Wolf* in the chair, on the engrossed bill, from the House of Representatives, entitled an act to regulate the fees of Sheriffs; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. Wolf reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the same, with an amendment, (striking out the first section, with the enacting clause.)

Which amendment was adopted, and the bill rejected.

On motion of *Mr. Ingram*, the Legislative Council then resolved itself into a Committee of the Whole, *Mr. Tidwell* in the chair, on the engrossed bill, from the House of Representatives, entitled an act for the relief of *Richard C. Byrd*, Auditor of this Territory; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. Tidwell reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the same, with an amendment.

And on the question, *Shall the amendment be adopted?*

Mr. Orr called for the ayes and noes, which stood as follows, to wit:

Ayes.—Messrs. *Blount*, *Boswell*, *Bridges*, *Collins*, *Douglass*, *Farrelly*, *Hackett*, *Hartfield*, *Hughes*, *Lincecum*, *McAmy*, *McKenzie*, *Orr*, *Patton*, *Sinclear*, *Tidwell*, *Witter*, and *Mr. President*.—18.

Noes.—Messrs. *Ingram*, *Pennington*, *Wells*, and *Wolf*.—4

And the amendment was adopted.

The bill was then read the third time and PASSED.

Ordered, That *Mr. Douglass* transmit the same to the House of Representatives, and ask their concurrence to the amendment.

On motion of *Mr. Hughes*, the Legislative Council then resolved itself into a Committee of the Whole, *Mr.*

Patton in the chair, on the engrossed bill, from the House of Representatives, entitled an act supplementary to the laws defining the crime of maiming; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. Patton reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the same, without amendment.

The bill was then read the third time and PASSED.

Ordered, That *Mr. Orr* return the same to the House of Representatives.

Mr. Farrelly, from the Select Committee to which was committed the engrossed bill, from the House of Representatives, entitled an act supplementary to an act entitled an act to regulate the collection of taxes on Military Bounty Lands, reported the same, with amendments; which were read and adopted.

The bill was then read the third time and PASSED.

Ordered, That *Mr. Boswell* transmit the same to the House of Representatives, and ask their concurrence in said amendment.

On motion, the Legislative Council then resolved itself into a Committee of the Whole; *Mr. Hughes* in the chair, on the engrossed bill, from the House of Representatives, entitled an act for the relief of *Richard C. Byrd*, Auditor of the Territory of Arkansas; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. Hughes reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the same, without amendment.

And the bill was then read the third time; and it was

Resolved, That said bill pass, and the title thereof be "An act to legalize the acts of *Richard C. Byrd*, Auditor of this Territory."

Ordered, That *Mr. Boswell* transmit the same to the House of Representatives.

A message from the House of Representatives, by *Mr. Livingston*.

Mr. President—I am instructed to inform you, that the

House of Representatives have agreed to the amendments of the Legislative Council, to the bill, entitled an act supplementary to an act establishing County Courts; and have made several amendments to said amendments, and transmit the same herewith to the Legislative Council for their concurrence.

Which amendments were read; and the first and third agreed to; and the second disagreed to.

Ordered, That Mr. *Boswell* inform the House of Representatives thereof, and request them to recede from their said second amendment.

And then, the Legislative Council adjourned.

HOUSE OF REPRESENTATIVES.

Mr. *Pope*, from the Select Committee to whom was referred the bill, to be entitled an act supplementary to the attachment law, made report, and introduced a bill as a substitute to the same, by the following title, to wit: An act supplementary to the several laws concerning attachments. Which was read, and

On motion of Mr. *Livingston*, the rules of the House were dispensed with, and the bill read a second and third time, PASSED, and sent to the Legislative Council for concurrence.

Mr. *Scott of Pope*, from the Joint Committee appointed by joint resolution of the Legislative Council and House of Representatives of yesterday, to hand the memorial passed by the the Legislative Council and House of Representatives, praying that Congress would extend to the people of Arkansas the privilege of electing their Governor and Secretary, to our Delegate in Congress, made the following

REPORT:

The Joint Committee appointed by joint resolution of the Legislative Council and House of Representatives of yesterday, to hand the memorial passed by the Legislative Council and House of Representatives, praying that Congress would extend to the people of Arkansas the privilege of electing their Governor and Secretary, to our Delegate in Congress, REPORT:

That the full and complete discharge of their duties have been arrested by the following circumstances, which circumstances your committee believe to be unprecedented, unjustifiable, and of a surreptitious character. The memorial above recited was in the possession of Richard C. S.

Brown, Chairman of the Committee on Enrolments. Your committee, by **A. Scott**, their Joint Chairman, called on Mr. Brown for said memorial, to which call he (Brown) replied, that the memorial was in his possession; that he felt it his duty to hand it to the Governor, the joint-resolution of both Houses to the contrary notwithstanding. This was about half past 7 o'clock, P. M.; at 20 minutes past 8 o'clock, the Chairman received a note in writing, from said Brown, marked A, which they pray may be made a part of their report.

Your committee, in their joint capacity, then made a call in writing, for said memorial, which was served by their Joint Chairman, **A. Scott**, at 10 o'clock, P. M. of yesterday. A copy of this written call is herewith submitted, and marked B. Your committee therefore have been prevented from the performance and discharge of their duties, so imperiously required by the joint resolution of yesterday. All of which is respectfully submitted.

A. SCOTT, Chairman.

A.

Little Rock, 2d Nov. 1831.

DEAR SIR—I have seen Judge Crutchfield and Mr. Douglass, two of the Committee on Enrolled Bills. They are of the same opinion that I am myself, relative to the memorial which you demanded of me to-night. We have therefore determined to deliver it to the Governor.

R. C. S. BROWN.

ANDREW SCOTT.

B.

TO RICHARD C. S. BROWN, Chairman of the Committee of Enrolments of the House of Representatives.

SIR—The Joint Committee of the Legislative Council and House of Representatives, appointed to hand to our Delegate the memorial of the Legislative Council and House of Representatives, praying the Congress of the United States to pass an act, giving to the people of Arkansas the power to elect their Governor and Secretary, being informed that the same is in the possession of the Chairman of the Committee of Enrolments of the House of Representatives, have to request that you will hand to our Chairman, **A. Scott**, the said memorial, that we may obey the order of our respective Houses.

ROB'T SINCLEAR,	}	<i>Committee of the Legislative Council.</i>
T. FARRELLY,		
DAVID ORR,		
J. LIVINGSTON,	}	<i>Committee of the House of Representatives</i>
JOHN CLARK,		

Wednesday, Nov. 2d, 1831, 10 o'clock, P. M.

Served a true copy of the within on R. C. S. Brown, Nov. 2d, 1831, at 10 o'clock, P. M. by leaving said copy with him.

ANDREW SCOTT, *Chairman of the Joint Committee, and of the Committee on the part of the House of Representatives.*

Little Rock, A. T. 3d Nov. 1831.

GENTLEMEN—I received your note last night, between 11 and 12 o'clock. The memorial that you inquire for, had been handed to the Governor some time previous to the receipt of your note, (which I had made known to two of your committee, to wit: Andrew Scott and Robert Sinclear.) In handing the memorial to the Governor, I have, as I believe, acted in strict compliance with the Joint Rules by which both Houses of the Legislature are governed; together with the instructions of a part of the Committee on Enrolled Bills.

I have the honor to be, very respectfully,

Your most obedient and humble servant,

RICHARD C. S. BROWN.

*To Robert Sinclear, T. Farrelly, David Orr,
Andrew Scott, J. Livingston, John Clark.*

And, on motion of Mr. Scott of Pope, the report and accompanying documents, were laid on the table.

On motion of Mr. Manly, Mr. Fillingim obtained leave of absence for to-day, on account of indisposition.

Mr. Crutchfield, from the Select Committee to whom was referred the bill, to be entitled an act supplementary to the several laws regulating the town of Little Rock, reported the same, with sundry amendments; which were read a first and second time, and

On motion of Mr. Manly, ordered to be engrossed.

The bill, from the Legislative Council, entitled an act for the relief of the Clerk of Jackson county, was taken up, read, and

On motion of Mr. Manly, the rules of the House were dispensed with, and the bill read a second and third time, PASSED, and returned to the Legislative Council.

The memorial to the Congress of the United States, praying a donation of land for the erection of a Penitentiary in Arkansas Territory, was then taken up, and

On motion of Mr. Wilson, the rules of the House were dispensed with, and the bill was read a second and third

time, PASSED, and sent to the Legislative Council for concurrence.

The bill, entitled an act supplementary to the several laws regulating the Militia of this Territory; and the bill, entitled an act allowing compensation to the Members of this General Assembly and their Officers,—were severally read a third time, PASSED, and sent to the Legislative Council for concurrence.

The bill, entitled an act to define the time of holding the Circuit Courts in the county of Hempstead, was read a third time, and the question being on the passage of the bill, it was decided in the affirmative, by yeas and nays, as follows:

Yeas.—Messrs. Calvert, Clark, Hanks, Holland, Hudspeth, Livingston, Magness, Menefee, Scott of Pope, Smith, Stillwell, Whinnery, and Mr. Speaker.—13.

Nays.—Messrs. Brown, Crutchfield, Gibson, Rutherford, Scott of Hempstead, and Wolf.—6.

And so the bill was PASSED.

Message from the Legislative Council, by Mr. *Wolf*.

Mr. Speaker—I am instructed to inform you, that the Legislative Council have passed the following bills, to wit: An act amendatory to an act concerning Gin holders; an act supplementary to the several laws now in force regulating the collection of Small Debts:—both of which are herewith transmitted for concurrence.

The first of which bills was read a first time, and

On motion of Mr. *Manly*, rejected; and the last read a first time, and

On motion of Mr. *Hanks*, the rules of the House were dispensed with, and the bill read a second time, and

On motion of Mr. *Rutherford*, indefinitely postponed.

Message from the GOVERNOR, by William Field, one of his Private Secretaries.

Mr. Speaker—I am instructed by the GOVERNOR to inform your honorable body, that he did, on this day, approve and sign the following bills, viz: An act supplementary to an act to provide for the leasing, for a limited time, the lands reserved by the Congress of the United States for the support of Schools within this Territory, approved Nov. 21st, 1829; an act to dissolve the bonds of matrimony between Beverly Stubblefield and Nancy W. Stubblefield, and between Gideon Dunn and Hester Dunn; an act permanently to locate the Seat of Justice in the county of Miller, and

more distinctly to define the boundary lines of said county; an act supplementary to an act passed Nov. 3d, 1829, to establish the county of Jefferson; a memorial to Congress, praying that the agents appointed to select two townships of land, for Seminary purposes, may be paid for the duties performed by them, and for other purposes; a memorial to Congress, praying for an appropriation of three thousand dollars to build and furnish a Hospital at the Hot Springs and for other purposes; a memorial to Congress, praying an appropriation of five thousand dollars to make a road from a point on the National Road near Clark C. H., to the Louisiana state line; a bill, entitled an act to prevent Justices of the Peace from receiving money on judgements obtained before them in civil cases.

Mr. *Manly*, from the Select Committee on the bill, from the Legislative Council, entitled an act better to define the line between Independence county and Izard county, reported said bill to the House, without any amendment; and the said bill was then read a third time, and the question being on the final passage, it was decided in the affirmative, by yeas and nays, as follows:

Yeas.—Messrs. Calvert, Gibson, Holland, Hudspeth, Livingston, Magness, Menefee, Rutherford, Scott of Pope, Smith, Stilwell, Talbot, Wolf, and Mr. Speaker.—14.

Nays.—Messrs. Brown, Manly, Scott of Hempstead, and Wilson.—4.

And so the bill was PASSED.

Message from the GOVERNOR, by William Field, one of his Private Secretaries.

Mr. *Speaker*—I am instructed by the GOVERNOR to deliver the following message, to wit:

To the Speaker and Members of the House of Representatives of Arkansas Territory.

GENTLEMEN—The bill, entitled “An act to regulate the Practice of Medicine and Surgery,” has been presented to me, and duly considered. I regret the necessity imposed on me, by a sense of public duty, to return it to your House, in which it originated, with my objections to its passage.

The bill, in substance and effect, provides, that eight learned Doctors shall be elected by the Members of the present Legislature, who are to constitute a body politic and corporate, with a common seal, with power to sue and be sued, to make bye-laws and regulations, &c. &c. This corporate body has power to examine all candidates for license to practice Medicine and Surgery; and no person is allowed to practice in this Territory, for ten years to come, without

leave from this learned corporation, and the payment of fifteen dollars for a license, to be applied to the use and benefit of this Board of Physicians, and not to any public purpose. Physicians, who have been in full and successful practice for years in this Territory, and received a diploma from the highest authority known in this free land, public opinion, are prohibited from pursuing their profession, with any prospect of compensation, upon which their families depend for bread, until they pay \$15, and obtain a license from this learned Board. They are now practising according to existing laws, but may be deprived of their trade by a retrospective act, unless they will pay a tax of fifteen dollars, and answer a few questions to the satisfaction of this Board of medical literati, about to be created an intellectual aristocracy in this remote region. The power is to be vested for ten years, beyond the control of the People or their Representatives. If any of this learned body should die or resign, the vacancy is to be filled by the survivors of the Board; and, should this learned aristocracy be partial, or actuated by party spirit, the unfortunate victim of their vengeance or prejudice, is ruined, without hope of redress. To the Legislature or the People, no power is reserved to elect a new Board, or to make any change in it. In the language of one of your memorials to Congress, this bill proposes to erect a power and influence derogatory to liberty and our free institutions; and, to forbear to arrest any outrage upon the rights and liberties of the people, would, on my part, be a crime indeed.

The bill farther provides, that, if any Physician or Surgeon shall presume to exercise his profession without the permission of this learned Board, it shall not be lawful for him to collect his debts for professional services; and, for the first offence, he shall forfeit any sum not less than two nor more than five hundred dollars, to be recovered on motion of the Prosecuting Attorney, and, for the second offence, the poor Doctor who cannot answer a few questions put by this learned and scientific Board, is to pay double that sum, and is, moreover, to be imprisoned not exceeding six months, at the discretion of the Court. Neither the merciful discretion of a jury, or the trial by jury, is secured to him, which is allowed to murderers, horse thieves and other felons.

The bill further provides, that any Physician, who shall procure a diploma from any College of Physicians, or license from any Medical Board, shall be entitled to a license from the Board created by this bill, upon the payment of fifteen dollars. All moneys received for licenses granted, or fines collected, are to be paid to the Treasurer of the Board, for the use and benefit of the Board. No man or woman can Practice Medicine or Surgery in this Territory, for

ten years to come, without the leave of this Board, and the payment of a tax of fifteen dollars. It is well known to the learned Doctors, that midwifery is a branch of medical science, and studied in medical schools; and it is worthy of remark, that the bill contains no express exemption or exception in favor of *female* midwives, who may, possibly, by pursuing their trade, be exposed to the pains and penalties prescribed by this bill. If every old woman engaged in the practice of midwifery is to pay a tax of fifteen dollars to this Board, she must raise her fees, and the bill would impose an oppressive burden on the poor, prolific, and useful part of the population of this country.

Let it be remembered, that the country is in its infancy, without Medical or other Colleges, and cannot be expected to afford a class of learned and scientific men, qualified for the important and irresponsible trust contemplated by the bill. If, in any future stage of your political existence, a regulation of this kind, in any form, and however qualified, would be wise or politic, it is now premature. It seems to me that you are not now prepared for such a measure. Kentucky has been a State for nearly forty years, and has a Medical College of high reputation; but has never imposed any such restrictions upon the free agency of individuals.—She has left it to time, experience, circumstances, and the good sense of the community, to put down quackery in the medical profession, although frequent attempts have been made in her Legislature to interfere by law. They have root Doctors, Indian Doctors, and a sort of magic Doctors, who pretend to cure all diseases. A sort of superstition and delusion, to which mankind is liable on this as on all other subjects, must be left to its own cure, without the coercive power of the law. The people of that State, animated by a sentiment nearly allied to one expressed by Mr. Jefferson, “that it is better to tolerate error, while reason is left to combat it,” have thought it wise, and more congenial with the freedom of the citizen, to tolerate quack Doctors, while the learned and qualified of the profession are at liberty to combat them. They permit men to use medical aid according to their own whims and faith. If a man believes that a Quapaw, Shawnee, Cherokee, or Choctaw Indian, from his superior knowledge of the virtue and effect of roots and plants, can render him more service than one versed in all the learning of the schools, it is difficult to perceive a good reason for controlling his will or faith on the subject. Let every man be free to employ whom he pleases, when he alone is concerned.

No man has more respect than myself, for scientific and eminent men in the medical department. They deserve a high rank in the scale of intellect and usefulness; but I

know, and so does every man of experience and observation, that many, who have gone through a regular course in the medical schools, are grossly ignorant of the theory or practice of medicine. They are mere smatterers in the science. With a piece of parchment in their pockets, and a little superficial learning, they are arrogant, rash and more dangerous quacks, than those who adopt the profession from a sort of instinct, or a little practical observation. The latter, conscious of his ignorance, is timid and cautious; while the former, vain of his learning, is more confident, and boldly kills, *secundem artem*.

I object to the passage of this bill:

1st. Because the measure, at this time, is premature and impolitic.

2d. Because the power is too great, and too liable to abuse, to be vested in such a Board for so long a period.

3d. Because its operation on those now engaged in the profession in this Territory, is retrospective, tyrannical and oppressive.

4th. The penalties provided in the bill, are excessive.

5th. The bill violates that part of the Bill of Rights, contained in the 14th section of the Organic Law, which declares, that, "in all criminal cases, the trial shall be by jury of good and lawful men of the vicinage"—"no man shall be deprived of his life, liberty, or property, but by the judgement of his peers and the law of the land."

6th. Because the bill imposes a heavy and oppressive tax on a numerous class of people, not for public use, but for the exclusive benefit of a few privileged individuals.

7th. It creates a power and influence derogatory to liberty and our free institutions.

8th. The measure, in its present shape, is impolitic, unwise, and against the spirit of freedom.

JOHN POPE.

Little Rock, Nov. 3d, 1831.

On motion of Mr. Manly, the message and accompanying bill, were ordered to lie on the table.

On motion of Mr. Manly, the House then resolved itself into a Committee of the Whole, Mr. Stilwell in the chair, on the bill, from the Legislative Council, entitled an act to apportion the representation among the several counties of this Territory for the year 1833; and, after some time spent therein, the committee rose and reported the bill, without amendment; and

On motion of Mr. Scott of Pope, the rules of the

House were dispensed with, and the bill read a third time and PASSED.

The bill, entitled an act to locate Seats of Justice, was then,

On motion of Mr. *Hanks*, taken up in Committee of the Whole, Mr. *Scott* of Pope in the chair; and, after some time spent therein, the committee rose and reported the bill, with amendments; and the amendments were concurred in, and

On motion of Mr. *Menefee*, the rules of the House were dispensed with, and the bill read a third time; and the question on the final passage of the bill being taken, it was decided in the affirmative, by yeas and nays, as follows, to wit:

Yeas.—Messrs. Clark, Gibson, Holland, Hudspeth, Livingston, Magness, Menefee, Scott of Pope, Smith, Talbot, Wolf, and Mr Speaker.—12.

Nays.—Messrs. Brown, Calvert, Crutchfield, Hanks, Manly, Pope, Rutherford, Scott of Hempstead, Stilwell, Whinnery, and Wilson.—11.

And so the bill PASSED.

Message from the Legislative Council, by Mr. *Blount*.

Mr. *Speaker*.—I am instructed to inform you, that the Legislative Council have receded from the amendment made to the bill, entitled an act to enable judgement creditors to collect their debts with more facility; and that they disagree to the amendment made to the bill, entitled an act to contract for and superintend the building a Jail and Jailor's House in the town of Helena, and ask you to recede from said amendment.

And, on motion of Mr. *Hanks*, the House receded from the said amendment.

Message from the Legislative Council, by Mr. *Hughes*.

Mr. *Speaker*.—I am instructed to inform you, that the Legislative Council have passed a bill, from the House of Representatives, entitled an act supplementary to the laws now in force concerning roads and highways, with some amendments; which is herewith transmitted for your concurrence.

The bill was then read, as amended, and

On motion of Mr. *Wilson*, committed to a Committee of the Whole, and made the order of this day.

Whereupon, the House then resolved itself into a Committee of the Whole, on the said bill; and, after

some time spent thereon, the committee rose and reported the bill, with the following amendment, to wit:

“The settlement of all accounts of Executors, Administrators, and Guardians, be, and the same is hereby, transferred to the Circuit Court of the county in which such Executor, Administrator, or Guardian, is appointed; and that all claims against Executors, Administrators, and Guardians, shall be tried by the Circuit Court of the county, when the same shall exceed the sum of fifty dollars: *Provided*, That this act shall not affect any executorship, administration, or guardianship, removed by any special act of the General Assembly of Arkansas Territory.

Mr. *Hanks* moved that the House disagree to the said amendment; and the question being taken on Mr. *Hanks*' motion to disagree, it was decided in the negative, by yeas and nays, as follows: to wit:

Ayes —Messrs. Calvert, Hanks, Holland, Manly, Stilwell, Talbot, Whinnery, and Wolf.—8.

Noes.—Messrs. Brown, Clark, Crutchfield, Gibson, Hudspeth, Livingston, Magness, Menefee, Rutherford, Scott of Hempstead, Scott of Pope, Smith, Wilson, and Mr. Speaker.—14.

And so the motion was lost, the amendment agreed to, and

On motion of Mr. *Wilson*, the rules of the House were dispensed with, and the bill read a third time and PASSED.

Message from the Legislative Council, by Mr. *Tidwell*.

Mr. *Speaker*—I am instructed to inform you, that the Legislative Council have passed a bill, from the House of Representatives, entitled an act to call in the Territorial Scrip, and for other purposes, with some amendments; and herewith return the bill, and ask your concurrence to said amendments.

And the said amendments were concurred in, and the bill was PASSED.

Message from the Legislative Council, by Mr. *Bridges*.

Mr. *Speaker*—I am instructed to inform you, that the Legislative Council have passed a bill, entitled an act defining the qualifications of Electors in this Territory, with an amendment, to which your concurrence is asked; and the bill is herewith returned.

Message from the Legislative Council, by Mr. *Wells*.

Mr. *Speaker*—I am instructed to inform you, that the Legislative Council have agreed to the amendments made to

the bill, entitled an act providing for the location of Seats of Justice.

Message from the Legislative Council, by Mr. *Sinclear*.

Mr. Speaker—I am instructed to inform you, that the Legislative Council have passed to the following resolution :

Resolved, That James Watson, of Crawford county, be appointed a Justice of the Peace for said county; also, that William Chandler be appointed a Justice of the Peace for Pulaski county,—and that their names be transmitted to the Governor at the same time other names are transmitted to be commissioned. And that the House of Representatives be informed thereof and their concurrence asked therein.

And the following amendments were made to the said resolution: After the word "Chandler," insert the name "William Saunders"; and after the word "county," insert the following: "and that William Janes be appointed a Justice of the Peace for Clark county."

And the said resolution was adopted.

Message from the Legislative Council, by Mr. *Blount*.

Mr. Speaker—I am instructed to inform you, that the Legislative Council have passed a bill, entitled an act to define in part the duties of Sheriffs and Constables, and for other purposes; and a memorial to Congress, asking a donation of land for the erection of a Penitentiary in Arkansas Territory:—both of which are herewith sent.

And the said bill was read a first time, and

On motion of Mr. *Hanks*, the rules of the House were dispensed with, the bill read a second time, and

On motion of Mr. *Rutherford*, indefinitely postponed.

Message from the Legislative Council, by Mr. *Douglass*.

Mr. Speaker—I am instructed to inform you, that the Legislative Council have passed a bill, from the House of Representatives, entitled an act for the relief of Richard C. Byrd, Auditor of the Territory of Arkansas, with an amendment; and herewith return the bill, and ask the concurrence of the House of Representatives to the same.

Message from the Legislative Council, by Mr. *Orr*.

Mr. Speaker—I am instructed to inform you, that the Legislative Council have passed a bill, from the House of Representatives, entitled an act supplementary to the law defining the crime of maiming.

Message from the Legislative Council, by Mr. *Boswell*.

Mr. Speaker—I am instructed to inform you, that the Legislative Council have passed a bill, entitled an act regulating the collection of taxes on Military Bounty Lands, with

same amendments; and an act for the relief of Richard C. Byrd, Auditor of the Territory of Arkansas, with an amendment to the title:—both of which bills are herewith returned to the House of Representatives for concurrence. Also, that the Council have agreed to the first and third amendments made by the House of Representatives, to a bill, entitled an act supplementary to an act establishing County Courts, and have disagreed to the second amendment; and herewith return said bill, and ask the House of Representatives to recede from the said second amendment.

And, on motion, the House adjourned.

LEGISLATIVE COUNCIL.

Friday, November 4, 1831.

Message from the House of Representatives, by Mr. Gibson.

Mr. President—I am instructed to inform you, that the House of Representatives have receded from the amendment made to the bill, entitled an act appointing commissioners to contract for and superintend the building a Jail and Jailor's House in the town of Helena; which is herewith returned.

Mr. Douglass, from the Joint Committee on Enrollments, reported, that said committee had examined the following enrolled bills and memorials, to wit: An act to incorporate the Baptist Church at Little Rock, and for other purposes; an act supplementary to an act attaching a part of the country acquired by treaty from the Cherokees, to the counties of Izard, Independence, and Conway; an act to amend the several laws now in force regulating Revenue; an act concerning suits on penal bonds, and other writings under seal; an act supplementary to an act appointing commissioners and levying a tax for building a Jail in Arkansas county; a memorial to Congress, praying for an appropriation to clear the obstructions out of the Arkansas river; an act for the relief of Creed Taylor, Sheriff of Jefferson county; an act changing certain Revenue; an act authorizing the infant heirs of John Kepler, deceased, to convey a tract of land; a memorial to Congress, praying an appropriation to remove the obstructions to navigation in the bayou Barthelemi; a memorial to Congress, on the subject of Salt Springs; a memorial to Congress, praying

for the relief of innocent purchasers of French and Spanish confirmations; an act for the relief of the Clerk of Jackson county; an act supplementary to an act providing for the election of all Civil Officers of this Territory, prescribing their duties, oaths and emoluments, and the manner and time of holding elections, and for other purposes, approved 16th Nov. 1829; an act to apportion the representation among the several counties of this Territory for the year 1833; an act providing for the location of Seats of Justice. And had found them all truly and correctly enrolled.

Mr. Witter offered the following resolution, to wit:

Resolved by the Legislative Council and House of Representatives of the Territory of Arkansas, That the President of the Legislative Council and Speaker of the House of Representatives be instructed to adjourn their respective Houses, sine die, on Saturday next.

And on the question of adoption,

Mr. Douglass called for the ayes and noes, which stood as follows, to wit:

Ayes.—Messrs. Blount, Collins, Douglass, Hartfield, Ingram, Lincecum, Orr, Pennington, Tidwell, and Witter.—10.

Noes.—Messrs. Boswell, Farrelly, Hackett, Hughes, McCamy, McKenzie, Patton, Sinclear, Wells, Wolf, and Mr. President.—11.

And the resolution was rejected.

The engrossed bill, from the House of Representatives, entitled an act supplementary to the several laws regulating the Militia of this Territory, was read the second time, and the rules being dispensed with, read a third time and PASSED.

Ordered, That Mr. Sinclear transmit the same to the House of Representatives.

The engrossed bill, from the House of Representatives, entitled an act allowing compensation to the Members of this General Assembly and their Officers, was read a second time, and

On motion of Mr. Douglass, committed to a Committee of the Whole, and made the order of the day for to-day; and

On motion of Mr. Hughes, the Legislative Council then resolved itself into a Committee of the Whole, Mr.

Ingram in the chair, on the said bill; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. Ingram reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the same, without amendment.

Mr. Boswell then offered an amendment to said bill, giving each Member "three" dollars per day, instead of "four"; and on the question of adoption, called for the ayes and noes, which stood as follows, to wit:

Ayes.—Messrs. Boswell, Bridges, Collins, Hartfield, Orr, Sinclear, Wolf, and Mr. President.—8.

Noes.—Messrs. Blount, Douglass, Farrelly, Hackett, Hughes, Ingram, Lincecum, McAmy, Patton, Pennington, Tidwell, Wells, and Witter.—13.

Mr. Lincecum then proposed to amend the bill, by modifying it so as to allow the Members no pay after the expiration of the first thirty days of the session; and on the question of adoption, called for the ayes and noes, which stood as follows, viz:

Ayes.—Messrs. Collins and Lincecum.—2.

Noes.—Messrs. Blount, Boswell, Bridges, Douglass, Farrelly, Hackett, Hartfield, Hughes, Ingram, McAmy, Orr, Patton, Pennington, Sinclear, Tidwell, Wells, Witter, Wolf, and Mr. President.—19.

And the amendment was rejected.

The bill was then read the third time and PASSED.

Ordered, That *Mr. Lincecum* transmit the same to the House of Representatives.

The engrossed bill, from the House of Representatives, entitled an act to define the time of holding the Circuit Courts in the county of Hempstead, was read a second time, and

On motion of *Mr. Witter*, laid on the table until the fourth day of July next; upon which question,

Mr. Douglass called for the ayes and noes, which stood as follows, to wit:

Ayes.—Messrs. Blount, Boswell, Collins, Douglass, Farrelly, Hackett, Hartfield, Hughes, Ingram, Lincecum, McAmy, McKenzie, Orr, Sinclear, Tidwell, Wells, Witter, and Mr. President.—18.

Noes.—Messrs. Pennington and Wolf.—2.

On motion of *Mr. Farrelly*,

Resolved, That the following persons be added to the list of Justices of the Peace in their several counties, viz: Solomon B. Tharp, Arkansas county; Lafayette Jones, Monroe county; Spencer Crouch, St. Francis; James Scull, Jefferson; William Carter, Conway; Benjamin S. Miles and William B. Patton, Chicot; James M. Cowdry, Izard; Bryant T. Nowlin, Washington; John Ringgold, Independence.

Ordered, That *Mr. Farrelly* inform the House of Representatives thereof.

The bill, from the House of Representatives, entitled an act supplementary to the several acts concerning attachments, was read a second time, and

On motion of *Mr. Lincecum*, committed to a Select Committee, consisting of Messrs. *Lincecum*, *McAmy*, and *Hackett*.

On motion of *Mr. McAmy*, the bill, entitled an act to make an appropriation to defray the expenses of the Territory of Arkansas for the years 1831, 1832 and 1833, was taken up, and committed to the Committee of Ways and Means.

A message from the House of Representatives, by *Mr. Menefee*.

Mr. President—I am instructed to inform you, that the House of Representatives insist upon their amendment to the bill, entitled an act supplementary to an act establishing County Courts, which they were requested to recede from; and that they have appointed a Committee of Conference, consisting of three members, on their part, to wit: Messrs. *Hudspeth*, *Wilson*, and *Scott of Pope*; and request you to appoint a committee, to consist of three members, to act in conjunction with the committee appointed on their part.

Whereupon, Messrs. *Farrelly*, *Sinclear*, and *McAmy*, were appointed to constitute said Committee of Conference, on the part of the Legislative Council.

Ordered, That *Mr. Collins* inform the House of Representatives thereof.

On motion of *Mr. Bridges*, who voted in the majority on yesterday, on the rejection of the bill, entitled an act for the relief of Mary-Ann McSwiney, the vote was reconsidered, and the bill again taken up.

Mr. Witter offered an amendment to said bill; which was adopted.

Mr. Patton moved to lay the bill on the table; which was rejected.

It was then read the third time; and on the question, *Shall the bill pass?*

Mr. Farrelly called for the ayes and noes, which stood as follows, to wit:

Ayes.—Messrs. Bridges, Collins, Douglass, Hackett, Hartfield, Hughes, Ingram, Lincecum, McAmy, Sinclear, Tidwell, and Witter.—12.

Noes.—Messrs. Blount, Boswell, Farrelly, McKenzie, Orr, Patton, Pennington, Wells, Wolf, and Mr. President.—10.

Resolved, That said bill do pass, and that the title thereof be “An act to divorce certain persons.”

Ordered, That Mr. Sinclear transmit the same to the House of Representatives, and ask their concurrence therein.

A message from the House of Representatives, by Mr. Magness.

Mr. President—I am instructed to inform you, that the House of Representatives have passed the following bill, to wit: An act for the incorporation of the town of Little Rock, and send the same for your concurrence; and that they have agreed to the amendments made to the following bills, to wit: An act to legalize the acts of Richard C. Byrd, Auditor of this Territory; an act for the relief of Richard O. Byrd, Auditor of this Territory; an act defining the qualifications of Electors in the Territory of Arkansas; and an act supplementary to an act entitled an act to regulate the collection of taxes on Military Bounty Lands.

The bill first mentioned in said message was then read the first time, and

On motion of Mr. Lincecum, the second was dispensed with, and the bill committed to a Committee of the Whole, and made the order of the day for to-day.

And then, on motion, the Legislative Council resolved itself into a Committee of the Whole, on said bill, Mr. Hackett in the chair; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. Hackett reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the same, with sundry amendments.

Which amendments were adopted, and the rules being dispensed with, the bill was read the third time and PASSED.

Ordered, That the same be transmitted to the House of Representatives, and their concurrence asked in said amendments.

A message from the House of Representatives, by *Mr. Clark*.

Mr. President—I am instructed to inform you, that the resolution appointing certain persons Justices of the Peace, has passed, with an amendment, which is herewith sent for your concurrence; and that the resolution of the Legislative Council, appointing James Watson and John Chandler, Justices of the Peace, has also passed the House, with the following amendment: "And that William Saunders be a Justice of the Peace in Pulaski county, and Wm. Janes in Clark county"; and ask your concurrence.

Which amendments were agreed to.

Ordered, That *Mr. Hughes* inform the House of Representatives thereof.

On motion of *Mr. Boswell*, the Legislative Council then resolved itself into a Committee of the Whole, *Mr. Collins* in the chair, on the engrossed bill, from the House of Representatives, entitled an act to provide for the distribution of the Acts and Journals of the General Assembly of the Territory of Arkansas; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. Collins reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the same, with amendments.

Which amendments were adopted.

The bill was then read the third time and **PASSED**.

Ordered, That *Mr. Witter* transmit the same to the House of Representatives, and ask their concurrence to said amendments.

The engrossed bill, from the House of Representatives, entitled an act to change the time of holding the Circuit Courts in and for the counties of Pulaski and Hot Spring, and for other purposes, was read the third time and **PASSED**.

Ordered, That *Mr. Blount* transmit the same to the House of Representatives.

Mr. Witter presented an account of W. E. Woodruff, against the Territory; which was referred to the Committee of Ways and Means.

A message from the House of Representatives, by Mr. Gibson.

Mr. President—I am instructed to inform you, that the House of Representatives have passed an act to divorce certain persons, with some amendments; which are returned for concurrence.

By Mr. Smith.

Mr. President—I am instructed to inform you, that the House of Representatives have passed the following resolution:

Resolved by the House of Representatives and Legislative Council of the Territory of Arkansas, That the Speaker of the House of Representatives and the President of the Legislative Council be instructed to adjourn their respective Houses, sine die on Saturday, and ask your concurrence.

On motion of Mr. Farrelly,

Resolved, That the Governor be requested to inform the Legislative Council what number of copies of the Acts of the General Assembly of 1829, remain undistributed, and to what counties those distributed have been sent; and that the Secretary of the Legislative Council transmit a copy of this resolution to the Governor by the Sergeant-at-Arms.

And then, on motion of Mr. Tidwell, the Legislative Council adjourned.

HOUSE OF REPRESENTATIVES.

Mr. Scott of Pope made the following Report, to wit:

I move that the Speaker of the House of Representatives be requested to despatch the Sergeant-at-Arms, with a written request, to John Pope, asking him to return to this House, a memorial of the Legislative Council and House of Representatives, to the Congress of the United States, praying the privilege of electing a Governor and Secretary, which memorial has been improperly lodged in his hands by R. C. S. Brown, Chairman of the Committee of Enrollments; and that said memorial be without his signature.

Mr. Brown moved to strike out the word "improperly," and to insert in lieu thereof, the word "properly"; and before the question was put, the hour expired for the discussion of motions.

The bills, entitled an act to legalize the acts of Richard C. Byrd; an act for the relief of Richard C. Byrd, Auditor of this Territory; and an act supplementary to an act entitled an act to regulate the collection of taxes on Military Bounty Lands,—were severally taken up, and

the amendments of the Legislative Council agreed to.

On motion of Mr. *Calvert*, leave of absence was granted to Mr. *Fillingim*; and

On motion of Mr. *Menefee*, leave of absence was granted to Mr. *Rutherford*, on account of indisposition.

The bill, to be entitled an act to incorporate the town of Little Rock, was,

On motion of Mr. *Crutchfield*, taken up, read a third time, PASSED, and sent to the Council for concurrence.

The amendment of the Legislative Council, to the bill, entitled an act supplementary to an act to regulate the collection of taxes on Military Bounty Lands, was read and agreed to.

The bill, entitled an act supplementary to an act establishing County Courts, which was amended in the Legislative Council, returned to this House, and the amendment of the Council amended in the House, and sent to the Council for concurrence, which was disagreed to, and returned with a request that this House recede from their amendment, was taken up; and

On motion of Mr. *Rutherford*, the House refused to recede from their amendment, and a committee of three were appointed, to wit: Messrs. *Hudspeth*, *Wilson*, and *Scott* of Pope, as a Committee of Conference, to meet such committee as might be appointed on the part of the Council; and the Council were informed by message of the same.

Message from the Legislative Council, by Mr. *Sinclear*.

Mr. *Speaker*—I am instructed to inform you, that the Legislative Council have passed the bill, entitled an act supplementary to the several laws regulating the Militia of this Territory; which is herewith returned.

Mr. *Brown*, from the Joint Committee on Enrolled Bills, reported, that they had examined bills of the following titles, to wit: An act to amend the several laws now in force regulating Revenue; an act supplementary to an act attaching a part of the county acquired by treaty from the Cherokees, to the counties of Izard, Independence and Conway; an act to incorporate the Baptist Church at Little Rock, and for other purposes; an act supplementary to an act appointing commissioners

and levying a tax for building a Jail in Arkansas county; an act concerning suits on penal bonds, and other writings under seal; a memorial to Congress, praying for an appropriation to clear the obstructions out of the Arkansas river; an act for the relief of Creed Taylor, Sheriff of Jefferson county; an act changing certain Revenue; an act authorizing the infant heirs of John Kepler, deceased, to convey a tract of land; a memorial to Congress, praying an appropriation to remove the obstructions to navigation in the bayou Barthelemi; a memorial to Congress, on the subject of Salt Springs; a memorial to Congress, praying for the relief of innocent purchasers of French and Spanish confirmations. And had found the same correctly enrolled. And they were signed by the Speaker, and returned to said chairman.

Message from the Legislative Council, by Mr. Collins.

Mr. Speaker—I am instructed to inform you, that the Legislative Council have appointed Messrs. *Farrelly*, *Sinclear*, and *McAmy*, on their part; on the Committee of Conference on the second amendment of the House of Representatives, to the bill, entitled an act supplementary to the act establishing County Courts.

Message from the Legislative Council, by Mr. *Farrelly*.

Mr. Speaker—I am instructed to inform you, that the Legislative Council have passed a resolution adding to the list of Justices of the Peace the following persons, viz:

In the county of Arkansas, Solomon B. Tharp; Monroe, Lafayette Jones; St. Francis, Spencer Crouch; Jefferson, James Scull; Conway, William Carter; Chicot, Benjamin L. Miles and William B. Patton; Izard, James M. Cowdry; Washington, Bryant T. Nowlin; Independence, John Ringgold.

Which resolution was agreed to by the House, and amended by adding to the list, after the name of James Scull, the name of Paul Vaugine; and the Legislative Council informed by message thereof.

On motion of Mr. *Manly*, the enrolled bill, entitled an act to regulate the Practice of Medicine and Surgery, which had been returned by the Governor, with his veto, was taken up, and the question being put, *Shall the bill pass into a law, the veto of the Governor to the contrary notwithstanding?* it was decided in the negative, by yeas and nays, as follows:

Yeas.—Messrs. Calvert, Clark, Gibson, Hudspeth, Hanks, Livingston, Magness, Menefee, Pope, Scott of Pope, Smith, Stilwell, Whinnery, and Mr. Speaker.—14.

Nays.—Messrs. Brown, Crutchfield, Holland, Manly, Scott of Hempstead, Talbot, Wilson, and Wolf.—8.

Message from the Legislative Council, by Mr. *Sinclear*.

Mr. Speaker—I am instructed to inform you, that the Legislative Council have passed a bill, entitled an act to divorce certain persons; which is herewith transmitted for your concurrence.

The bill, from the Legislative Council, entitled an act to divorce certain persons, was taken up, read a first and second time, amended and PASSED, and sent to the Legislative Council for concurrence in the amendments.

Message from the Legislative Council, by Mr. *Hughes*.

Mr. Speaker—I am instructed to inform you, that the Legislative Council have concurred in the amendment made by the House of Representatives, to a resolution, from the Legislative Council, for the appointment of Justices of the Peace. Also, that they have concurred in the resolution, from the House of Representatives, appointing certain Justices of the Peace.

Message from the Legislative Council, by Mr. *Blount*.

Mr. Speaker—I am instructed to inform you, that the Legislative Council have passed a bill, from the House of Representatives, entitled an act to change the time of holding the Circuit Courts in and for the counties of Pulaski and Hot Spring, and for other purposes; which is herewith transmitted.

Message from the Legislative Council, by Mr. *Witter*.

Mr. Speaker—I am instructed to inform you, that the Legislative Council have passed a bill, from the House of Representatives, entitled an act providing for the distribution of the Acts and Journals of the General Assembly of the Territory of Arkansas, with some amendments; which is herewith returned, and your concurrence asked in said amendments.

And the said amendments were concurred in.

Mr. Manly offered the following resolution:

Resolved by the House of Representatives and Legislative Council of the Territory of Arkansas, That the Speaker of the House of Representatives and the President of the Legislative Council, be instructed to adjourn their respective Houses, sine die, on Saturday next.

And the question thereon being taken, it was decided in the affirmative, by yeas and nays, as follows:

Yeas.—Messrs. Crutchfield, Hudspeth, Magness, Manly, Menefee, Pope, Scott of Hempstead, Smith, Talbot, Whinnery, Wilson, and Mr. Speaker.—12.

Nays.—Messrs. Brown, Calvert, Clark, Gibson, Hanks, Holland, Livingston, Scott of Pope, and Stilwell.—9.

And so the resolution was adopted.

Mr. *Manly* moved the following amendment to the motion of Mr. *Scott of Pope*, to be inserted after the word “move,” to wit:

That it is and has been the duty of the Chairman of the Joint Committee on Enrollments, by and with the consent of a majority of said committee, to present all bills and memorials to the Executive of this Territory, for his signature, after the same have been signed by the Speaker of the House of Representatives and President of the Legislative Council, under the 47th rule of the House of Representatives, which rule is as follows, to wit: “All memorials to the Congress of the United States shall be read three several times, and be subject to the same rules and regulations that bills are;” and that it is the duty of the Executive of this Territory to sign all such bills and memorials, under the 3d section of an act of Congress, entitled “An act to authorize the citizens of the Territories of Arkansas and Florida to elect their Officers, and for other purposes.” The words of the three first lines of said 3d section, are as follows, to wit: “*And be it further enacted,* That every bill that shall have passed the House of Representatives and the Legislative Council of the Legislature of the Territory shall, before it becomes a law, be presented to the Governor of said Territory, for his signature.”

Which said amendment was decided to be out of order.

The question was then taken on Mr. *Brown's* motion to strike out the word “improperly,” and was decided in the negative, by yeas and nays, as follows:

Yeas.—Messrs. Crutchfield, Manly, Scott of Hempstead, Talbot, Whinnery, Wilson, and Wolf.—7.

Nays.—Messrs. Calvert, Clark, Gibson, Holland, Hanks, Hudspeth, Livingston, Magness, Menefee, Pope, Scott of Pope, Smith, Stilwell, and Mr. Speaker.—14.

And so the amendment was lost.

Mr. *Manly's* amendment then being in order, it was decided in the negative, by yeas and nays, as follows:

Yeas.—Messrs. Crutchfield, Manly, Scott of Hempstead, Talbot, Whinnery, and Wilson.—6.

Nays.—Messrs. Calvert, Clark, Gibson, Holland, Hanks, Hudspeth, Livingston, Magness, Menefee, Pope, Scott of

Pope, Smith, Stilwell, Wolf, and Mr. Speaker.—15.

And so the amendment was lost.

Mr. *Hudspeth* then moved to strike out the words "John Pope," and insert in lieu thereof the word "Governor"; and the question on said motion being taken, it was decided in the negative, by yeas and nays, as follows:

Yeas.—Messrs. Brown, Crutchfield, Hudspeth, Manly, Scott of Hempstead, Talbot, Whinnery, Wilson, and Wolf.—9.

Nays.—Messrs. Calvert, Clark, Gibson, Hanks, Holland, Livingston, Magness, Menefee, Pope, Scott of Pope, Smith, Stilwell, and Mr. Speaker.—13.

And so the motion was disagreed to.

The question then recurred on the motion of Mr. *Scott of Pope*, which was decided in the affirmative, by yeas and nays, as follows:

Yeas.—Messrs. Calvert, Clark, Gibson, Hanks, Holland, Hudspeth, Livingston, Magness, Menefee, Pope, Scott of Pope, Smith, Stilwell, Wolf, and Mr. Speaker.—15.

Nays.—Messrs. Crutchfield, Manly, Scott of Hempstead, Talbot, Whinnery, and Wilson.—6.

And so the motion was adopted.

At the request of Mr. *Brown*, Mr. *Manly* moved that he be discharged from the Committee on Enrolled Bills.

Mr. *Scott of Pope* moved that the report of the Joint Committee appointed to wait on the Delegate, for the purpose of delivering him the memorial to Congress, praying for the privilege of electing the Governor and Secretary of this Territory, be taken up and read; and the said report and accompanying papers were read.

Mr. *Scott of Pope* then moved the following resolution:

Resolved, That Richard C. S. Brown appears, by a report of the Joint Committee of the Legislative Council and House of Representatives, to have knowingly violated his privilege as a Member of this House, by withholding a memorial of the Legislative Council and House of Representatives, addressed to the Congress of the United States, asking the privilege of electing a Governor and Secretary; and in violation of the wish of the House, has handed the same to John Pope, which delivery of said memorial was not, nor can it be, recognized as a presentment to John Pope, Governor, he being in no wise joined in said memorial, whereby his assent would be required: That the said Richard C. S. Brown, for his contempt in this behalf, is unworthy his seat in the

House of Representatives, and should therefore be expelled.

Mr. *Wilson* moved that the said resolution and report be committed to a Select Committee, to consist of seven members; which was agreed to; and Messrs. *Scott of Pope*, *Clark*, *Livingston*, *Wilson*, *Crutchfield*, *Scott of Hempstead*, and *Menefee*, were appointed said committee.

On motion of Mr. *Manly*, Messrs. *Hudspeth* and *Wolf* were added to the committee.

On motion of Mr. *Scott of Hempstead*, Mr. *Whinnery* was added to the committee.

On motion of Mr. *Hanks*, Mr. *Calvert* was added to the committee.

Mr. *Brown* moved that Messrs. *Scott of Pope*, *Clark*, and *Livingston*, be stricken from said committee.

Mr. *Menefee* moved that the question be divided, and the vote taken on striking out the name of each separately; and the question being taken on striking out the name of each separately, it was decided in the negative.

On motion of Mr. *Scott of Pope*, the House then resolved itself into a Committee of the Whole, Mr. *Hanks* in the chair, on the resolution to appropriate the contingent fund for the incidental expenses of the Territory; and, after some time spent therein, the committee rose, reported progress, and asked leave to sit again to-morrow.

Message from the Legislative Council, by Mr. *Lincecum*.

Mr. *President*—I am instructed to inform you, that the Legislative Council have passed a bill, from the House of Representatives, entitled an act allowing compensation to Members of the present General Assembly and their Officers; which is herewith returned.

The bill, from the Legislative Council, entitled an act to increase the County Revenue, was taken up, and

On motion of Mr. *Scott of Pope*, committed to a Committee of the Whole, and made the order of the day for to-morrow.

[Adjourned.]

LEGISLATIVE COUNCIL.

Saturday, November 5, 1831.

A message from the House of Representatives, by Mr. *Whinnery*.

Mr. *President*—I am instructed to inform you, that the

House of Representatives have agreed to the joint report of the Committee of Conference, appointed to take into consideration the second amendment made by the House of Representatives, to the act supplementary to the act establishing County Courts; and that they have receded from their said amendment.

Mr. *McAmy*, from the Committee of Ways and Means, to which was committed the bill, entitled an act to make an appropriation to defray the expenses of the Territory of Arkansas for the years 1831, 1832 and 1833, and sundry claims of the Sheriff of Phillips county, and the claim of W. E. Woodruff, reported unfavorably to the first claims; and reported the bill, with an amendment, which was read and adopted; and

On motion of Mr. *Farrelly*, the bill was committed to a Committee of the Whole, and made the order of this day.

Mr. *Lincecum*, from the Select Committee to which was committed the bill, from the House of Representatives, entitled an act supplementary to the several acts concerning attachments, reported the same, without amendment.

The bill was then read the third time and PASSED.

Ordered, That Mr. *Lincecum* transmit the same to the House of Representatives.

Mr. *Farrelly*, from the Joint Committee of Conference, on the second amendment of the House of Representatives, to the bill, entitled an act supplementary to an act establishing County Courts, made the following REPORT:

The Committee of Conference, to whom was referred the amendment made by the House of Representatives, to the bill, entitled an act establishing County Courts, have agreed to recommend that the House of Representatives recede from their second amendment to said bill; and that the words or amendment attached to said amendment, be inserted after the word "chosen," in the 10th line, as follows: "That so much of the act to which this is a supplement as provides for the election of County Judge, and that said County Court be held by said Judge, so elected, be, and the same is hereby, repealed.

Which was received and adopted.

Ordered, That Mr. *Lincecum* inform the House of Representatives of the same.

Mr. Douglass, from the Joint Committee on Enrollments, reported, that the committee had examined the following enrolled bills, to wit: An act appointing commissioners to contract for and superintend the building a Jail and Jailor's House in the town of Helena; and an act better to define the line between Independence county and Izard county. And had found the same truly and correctly enrolled.

The amendment of the House of Representatives, to the bill, entitled an act to divorce certain persons, were read and amended; and on the question of agreement to the same,

Mr. Wolf called for the ayes and noes, which stood as follows, to wit:

Ayes.—Messrs. Bridges, Collins, Douglass, Hackett, Hartfield, Hughes, Ingram, Lincecum, McAmy, Sinclear, Tidwell, Witter, and Mr. President.—13.

Noes.—Messrs. Blount, Boswell, Farrelly, McKenzie, Orr, Patton, Pennington, Wells, and Wolf.—9.

And the amendments were adopted.

Ordered, That **Mr. Sinclear** inform the House of Representatives thereof, and ask their concurrence in the amendment of the Legislative Council.

On motion of **Mr. Witter**, the resolution from the House of Representatives, requiring the Speaker of the House of Representatives and the President of the Legislative Council to adjourn their respective Houses on Saturday, (this day) was taken up and read; and on the question of adoption,

Mr. Hackett called for the ayes and noes, which stood as follows, to wit:

Ayes.—Messrs. Blount, Boswell, Douglass, Hackett, Hartfield, Lincecum, Orr, Tidwell, and Witter.—9.

Noes.—Messrs. Bridges, Collins, Farrelly, Hughes, Ingram, McAmy, McKenzie, Patton, Pennington, Wells, Wolf, and Mr. President.—12.

And the resolution was rejected.

Mr. Farrelly asked and obtained leave to withdraw the claims of the Sheriff of Phillips county, marked A, B, C, D, E, F, and G.

Mr. McAmy, from the Select Committee to which was committed the bill, entitled an act to repeal an act

entitled an act preventing Constables from executing and selling negro slaves, and for other purposes, reported the same, without amendment; and

On his motion, it was laid on the table until the first day of May next.

Messages were received from the GOVERNOR, by William Field, one of his Private Secretaries, informing the Council, that he did, on this day, approve and sign the following bills and memorials, viz:

A memorial to Congress for an appropriation of from three to five thousand dollars to remove the obstructions to navigation in the bayou Barthelemi; a memorial to Congress, praying that the Salines and Salt Springs in Arkansas, may be granted to the Territory, for the purpose of educating orphans and indigent children; an act providing for the location of Seats of Justice; an act for the relief of the Clerk of Jackson county; an act to apportion the representation among the several counties of this Territory for the year 1833; an act changing certain Revenue; an act authorizing the infant heirs of John Kepler, deceased, to convey a tract of land; an act supplementary to an act providing for the election of all Civil Officers of this Territory, prescribing their duties, oaths and emoluments, and the manner and time of holding elections, and for other purposes, approved the 16th Nov. 1829; a memorial to Congress for the relief of innocent purchasers of French and Spanish confirmations; an act better to define the line between Independence county and Izard county; an act appointing commissioners to contract for and superintend the building a Jail and Jailor's House in the town of Helena.

A message from the House of Representatives, by Mr. Pope.

Mr. President—I am instructed to inform you, that the House of Representatives have passed a bill, from the Legislative Council, entitled an act to increase the County Revenue, with some amendments; and herewith return said bill, and ask the concurrence of the Council to the amendments.

On motion of Mr. Farrelly, said bill was referred to the Committee of the Whole, to which was committed the bill, entitled an act to make an appropriation to defray the expenses of the Territory of Arkansas for the years 1831, 1832 and 1833; and then,

On his motion, the Legislative Council resolved itself into a Committee of the Whole, on the said bill, Mr.

Pennington in the chair; and, after some time spent therein, the committee rose, and the President having resumed the chair,

Mr. Pennington reported, that the committee had, according to order, had under consideration the said bill; that they had gone through the same, and had instructed him to report the last bill without amendment, and the first with sundry amendments, and the title of the bill amended so as to read "an act making appropriations for the years 1832 and 1833."

Which amendments were adopted.

The bill was then read the third time, and PASSED as amended.

Ordered, That *Mr. Patton* transmit the same to the House of Representatives, and ask their concurrence to said amendments.

A message from the House of Representatives, by *Mr. Stilwell*.

Mr. President—I am instructed to inform you, that the House of Representatives have agreed to all the amendments made to the bill, entitled an act supplementary to an act to incorporate the town of Little Rock, except the last, which they disagree to, and ask you to recede from that amendment.

Which amendment was receded from.

Ordered, That the House of Representatives be informed thereof.

A message from the House of Representatives, by *Mr. Wolf*

Mr. President—I am instructed to inform you, that the House of Representatives have passed a resolution allowing compensation to the Officers of the present General Assembly; which is herewith transmitted for concurrence.

Which resolution was then taken up, and read as follows, to wit:

Resolved by the House of Representatives and Legislative Council of the Territory of Arkansas, That there be allowed and paid out of the contingent fund appropriated by the Congress of the United States, for the payment of the incidental expenses of the Legislature of the Territory of Arkansas—to each of the Clerks of the House of Representatives, the sum of one hundred and fifty dollars; and to each of the Secretaries of the Legislative Council, the sum of one hundred and fifty dollars; to *John McLain*, the sum of ten

dollars; and to each of the Door-keepers, the sum of fifty-five dollars. And the Speaker of the House of Representatives and the President of the Legislative Council, are requested to certify the services of the aforesaid Officers of their respective Houses, which shall be a sufficient voucher on which to pay the same.

Which resolution PASSED; and

Ordered, That Mr. Ingram return the same to the House of Representatives.

A message from the House of Representatives, by Mr. Crutchfield.

Mr. President—I am instructed to inform you, that the House of Representatives have appointed Messrs. Wilson, Wolf, and Crutchfield, a committee on the part of this House, to join a committee on the part of the Legislative Council, to wait on the Governor and inform him that both Houses will adjourn this night at 8 o'clock; and ask you to appoint a committee on your part.

Mr. Sinclear, from the Joint Committee raised for the purpose therein mentioned, made the following REPORT:

The Joint Committee appointed to deliver to our Delegate to Congress, the memorial of the Legislative Council and House of Representatives, praying Congress to grant to the people of this Territory the right of electing their Governor and Secretary, have this day delivered the same into the hands of the Delegate; and ask to be discharged from the further consideration thereof. R. SINCLEAR,

Chairman on the part of the Legislative Council.

On motion of Mr. McKenzie,

Resolved by the Legislative Council and House of Representatives, That Charles Caldwell be, and he is hereby, appointed to take charge of the State-House and the Furniture appertaining thereto, until the meeting of the next General Assembly of this Territory.

Ordered, That Mr. Hartfield inform the House of Representatives thereof, and ask their concurrence therein.

A message from the House of Representatives, by Mr. Magness.

Mr. President—I am instructed to inform you, that the House of Representatives have agreed to the amendments made by the Legislative Council, to a bill, entitled an act making appropriations for the years 1832 and 1833; which is herewith returned. Also, that they have agreed to the resolution, from the Legislative Council, appointing Charles Caldwell to take charge of the State-House and Furniture.

By Mr. Gibson.

Mr. President--I am instructed to inform you, that the House of Representatives have passed a resolution, praying an appropriation of one thousand dollars for paying the Members of the Legislature of Arkansas; which is herewith sent for your concurrence.

Which resolution was read and PASSED.

Ordered, That Mr. *Hackett* return the same to the House of Representatives.

The bill, entitled an act to make an appropriation to defray the expenses of the Territory of Arkansas for the years 1831, 1832 and 1833, was taken up, amended, and read the third time.

Resolved, That the bill do pass, and that the title thereof be "An act to explain an act of the present session, entitled an act to apportion the representation among the several counties of this Territory for the year 1833, and for other purposes.

Ordered, That Mr. *Farrelly* transmit the same to the House of Representatives, and ask their concurrence therein.

And then, on motion of Mr. *Bridges*, the Legislative Council adjourned.

HOUSE OF REPRESENTATIVES.

Messrs. *Manly*, *Filligim*, and *Talbot*, obtained leave of absence after this day, for the balance of the session.

Mr. *Livingston* was appointed chairman of the committee of Enrolled Bills, in lieu of Mr. *Brown*, excused from serving.

Mr. *Scott* of Pope made the following REPORT, to wit:

That the committee to whom was referred the report of the Joint Committee appointed by joint resolution of both Houses to hand the memorial passed by the Legislative Council and House of Representatives, praying Congress to extend to the people of Arkansas the privilege of electing their Governor and Secretary to our Delegate to Congress, have had the said report, together with the accompanying documents, and the resolution predicated thereon, all of which were referred to your committee, under consideration, and report the same back to the House, there not being a full committee, Messrs. *Crutchfield*, *Wilson*, *Wolf*, and *Scott* of Hempstead, being absent—we therefore recommend that all the above recited papers be referred to a committee of the whole House and made the order of this day.

And the said report was agreed to by the House, and

referred to a Committee of the Whole for this day.

Mr. Hudspeth made the following REPORT:

The Joint Committee of Conference, to whom was referred the amendments made by the House of Representatives, to a bill regulating County Courts, have met and agreed to recommend that the House of Representatives recede from the second amendment to the said bill, and that the amendment attached to said amendment, be inserted after the word "chosen," in the 10th line, as follows:—
 "That so much of the act to which this is a supplement as provides for the election of County Judge, and that said County Court be held by said Judge, so elected, be, and the same is hereby, repealed.

And the said report was agreed to, and the House receded from the amendment, as recommended by the committee.

On motion of *Mr. Smith*, the House then resolved itself into a Committee of the Whole, *Mr. Hudspeth* in the chair, on the resolution appropriating the contingent fund; and, after some time spent therein, the committee rose and reported the resolution, with sundry amendments.

Which amendments were concurred in by the House, and the resolution was then engrossed, read the third time, PASSED, and sent to the Legislative Council for concurrence.

Mr. Field, the Private Secretary of the GOVERNOR, handed in at the table of the House a paper, purporting to be a message from the GOVERNOR, and made at the same time a verbal communication to the House, from the GOVERNOR, and returned the letter addressed to him yesterday by order of the House, from the Speaker of the House of Representatives.

Message from the Legislative Council, by *Mr. Ingram*.

Mr. Speaker—I am instructed to inform you, that the Legislative Council have passed a bill, from the House of Representatives, entitled an act for the incorporation of the town of Little Rock, and for other purposes, with some amendments; and the bill is herewith returned, and ask the concurrence of the House of Representatives.

All of which amendments were agreed to, except the latter, which was disagreed to.

Message from the Legislative Council, by *Mr. Linceum*.

Mr. Speaker—I am instructed to inform you, that the Legislative Council have passed a bill, from the House of Representatives, entitled an act supplementary to the several laws concerning attachments; which is herewith returned. And, also, that they have agreed to the amendment proposed to be made by the Committee of Conference to the bill, from the House of Representatives, entitled an act supplementary to an act establishing County Courts.

Message from the GOVERNOR, by his Private Secretary, Mr. Field.

Mr. Speaker—I am instructed by the GOVERNOR to inform your honorable body, that he did, on this day, approve and sign the following bills, viz:

An act concerning writs on penal bonds, and other writings under seal; an act to amend the several laws now in force regulating Revenue; an act for the relief of Creed Taylor, Sheriff of Jefferson county; an act supplementary to an act attaching a part of the country acquired by treaty from the Cherokees, to the counties of Izard, Independence, and Conway; an act supplementary to an act appointing commissioners and levying a tax for the building a Jail in Arkansas county. Also, a memorial to Congress for an appropriation of \$25,000, for the purpose of removing the obstructions to the navigation in the Arkansas river.

On motion of Mr. Scott of Pope, the House then resolved itself into a Committee of the Whole, Mr. Whinnery in the chair, on the bill, from the Legislative Council, entitled an act to raise County Revenue; and, after some time spent therein, rose and reported the bill, with sundry amendments.

Which amendments were agreed to by the House, and the bill was read a third time and PASSED.

Mr. Wilson moved to amend the title of the bill, by striking all the title out, and inserting in full the words "an act making appropriations for the years 1832 and 3."

Message from the Legislative Council, by Mr. Sinclear.

Mr. Speaker—I am instructed to inform you, that the Legislative Council have agreed to the amendments made by the House of Representatives to the bill, entitled an act to divorce certain persons, with an amendment; which is herewith sent for your concurrence.

Mr. Magness moved an amendment to the amendment, to wit: Add the names of Robert Crump and Minerva Crump; which amendment was agreed to.

Mr. Manly then moved to postpone the bill until the

first day of January, 1833; and the question on said motion being taken, it was decided in the affirmative, by yeas and nays, as follows, to wit:

Yeas.—Messrs. Brown, Calvert, Crutchfield, Fillingim, Hanks, Magness, Manly, Scott of Pope, Smith, Talbot, Whinnery, Wilson, and Mr. Speaker.—13.

Nays.—Messrs. Clark, Gibson, Holland, Livingston, Menefee, Pope, Scott of Hempstead, Stilwell, and Wolf.—9.

The paper of the GOVERNOR was then taken under consideration.

Mr. *Scott* of Pope moved that the memorial to Congress, of the Legislative Council and House of Representatives, praying the privilege of electing a Governor and Secretary, be restored to the files of the House, and that the communication accompanying the same be postponed until the first day of January next.

Mr. *Manly* moved the following, in the following words:

I ask, as a right to myself, and my constituents, the reading of the Executive communication received at the bar of this House, by Wm. Field, the Private Secretary of the Governor of this Territory.

Which motion was decided by the Speaker, to have precedence; and the question thereon being taken, it was decided in the negative, by yeas and nays, as follows:

Yeas.—Messrs. Brown, Crutchfield, Hanks, Holland, Manly, Scott of Hempstead, Talbot, Whinnery, Wilson, and Wolf.—10.

Nays.—Messrs. Calvert, Clark, Gibson, Livingston, Magness, Menefee, Pope, Scott of Pope, Smith, Stilwell, and Mr. Speaker.—11.

And so the motion was lost.

The question then recurred on the motion of Mr. *Scott* of Pope, which was decided in the affirmative, by yeas and nays, as follows:

Yeas.—Messrs. Calvert, Clark, Gibson, Magness, Menefee, Pope, Scott of Pope, Smith, Stilwell, Wolf, and Mr. Speaker.—11.

Nays.—Messrs. Brown, Hanks, Holland, Livingston, Talbot, and Whinnery.—6.

And so the motion was agreed to.

Messrs. *Manly*, *Crutchfield*, *Scott* of Hempstead, and *Wilson*, when their names were called, respectively rose from their seats, and refused to vote on the question, because the Executive communication had not been read.

Mr. Manly then moved that the Executive communication be spread on the Journals, for the information of the people; and the question thereon being taken, it was decided by yeas and nays, as follows:

Yeas--Messrs. Brown, Crutchfield, Fillingim, Holland, Manly, Scott of Hempstead, Talbot, Whinnery, Wilson, and Mr. Speaker.--10.

Nays--Messrs. Calvert, Clark, Gibson, Hanks, Livingston, Magness, Menefee, Pope, Scott of Pope, Smith, Stillwell, and Wolf.--12.

And so the motion was disagreed to.

Mr. Wolf moved that the memorial, praying the privilege of electing a Governor and Secretary, be handed to the committee appointed to hand the same to the Delegate; which was agreed to.

Leave of absence was granted to *Mr. Smith*, after this day, for the balance of the session.

Message from the Legislative Council, by *Mr. Patton*.

Mr. Speaker--I am instructed to inform you, that the Legislative Council have agreed to the amendments made by the House of Representatives to a bill, entitled an act making appropriations for the years 1832 and 3, with some amendments; and the bill is re-transmitted, and your concurrence asked to the said amendments.

And the said amendments were concurred in.

Message from the Legislative Council, by *Mr. Ingram*.

Mr. Speaker--I am instructed to inform you, that the Legislative Council have agreed to recede from the last amendment made by them to a bill, from the House of Representatives, entitled an act for the incorporation of the town of Little Rock, and for other purposes. Also, that they have agreed to the resolution, from the House of Representatives, appropriating the fund for contingent expenses; which are both herewith returned.

Message from the Legislative Council, by *Mr. Hartfield*.

Mr. Speaker--I am instructed to inform you, that the Legislative Council have passed the following resolution:

Resolved by the Legislative Council and House of Representatives, That Charles Caldwell be, and he is hereby, appointed to take charge of the State-House and the Furniture appertaining thereto, until the meeting of the next General Assembly; and ask your concurrence.

And the said resolution was concurred in.

Mr. Scott of Pope, from the committee appointed to hand to our Delegate, the memorial to the Congress of

the United States, asking the privilege of electing a Governor and Secretary, reported—

That they have performed the duty assigned them, and that the Delegate received it with alacrity, and assured your committee that he would pay to it every attention, as he admired the principles upon which it was founded.

Mr. Scott of Pope offered a resolution, praying the Congress of the United States, to make a further appropriation of one thousand dollars for the payment of the Members of the General Assembly of the Territory of Arkansas; which was adopted.

Mr. Scott of Pope moved that the Committee of the Whole be discharged from the further consideration of the report of the committee appointed to hand to our Delegate the memorial of the Legislative Council and House of Representatives, praying the privilege of electing a Governor, &c., and the resolution impeaching the conduct of R. C. S. Brown.

Mr. Scott of Pope moved the following resolution:

Resolved, That the Rev. James W. Moore have permission to preach the Gospel in the Representatives Hall, in the town of Little Rock, whenever and as often as he may think fit, for the next two years, confining it to Sabbaths, when the Courts of the Territory may be in session; and that Charles Caldwell be instructed to let him have the key of said Chamber, whenever called for.

Which resolution was adopted.

Message from the Legislative Council, by Mr. Hackett.

Mr. Speaker—I am instructed to inform you, that the Legislative Council have agreed to the resolution asking for a further appropriation of \$1000 to pay the Members of the present General Assembly; and herewith return the same.

Message from the Legislative Council, by Mr. Farrelly.

Mr. Speaker—I am instructed to inform you, that the Legislative Council have passed a bill, entitled an act to explain an act of the present General Assembly, entitled an act apportioning the representation for the year 1833; which is herewith sent for your concurrence.

And the said bill was read a first time, and

On motion of Mr. Scott of Pope, the rules of the House were dispensed with, and the bill was read a second time, and

On motion of Mr. Hanks, the rules of the House were

further dispensed with, and the bill read a third time and PASSED.

And, on motion, the House adjourned until nine o'clock, Monday morning.

LEGISLATIVE COUNCIL.

Monday, November 7, 1831.

Mr. Douglass, from the Joint Committee on Enrollments, reported, that the committee had examined the following enrolled bills, resolutions and memorials, to wit: An act to change the time of holding the Circuit Courts in and for the counties of Pulaski and Hot Spring, and for other purposes; an act supplementary to the several acts concerning attachments; an act to legalize acts of Richard C. Byrd, Auditor of this Territory; an act for the relief of Richard C. Byrd, Auditor of this Territory; an act to provide for the distribution of the Acts and Journals of the General Assembly of the Territory of Arkansas; an act allowing compensation to the Members of this General Assembly and their Officers; a memorial to the Congress of the United States, praying for an appropriation to open the Raft on Red river; a resolution appropriating the contingent fund; an act making appropriations for the years 1832 and 1833; an act supplementary to the several laws regulating the Militia of this Territory; an act supplementary to the law defining the crime of maiming; an act to define in part the duties of Sheriffs and Constables, and for other purposes; a memorial to Congress, praying a donation of land for the erection of a Penitentiary in Arkansas Territory; an act defining the qualifications of Electors in the Territory of Arkansas; a resolution for a further appropriation to pay the Members of the Arkansas Legislature; an act for the incorporation of the town of Little Rock, and for other purposes; an act supplementary to an act entitled an act to regulate the collection of taxes on Military Bounty Lands; an act to call in the Territorial Scrip, and for other purposes; an act supplementary to an act establishing County Courts; an act to enable judgement creditors to collect their debts with more fa-

City. All of which they had found truly and correctly enrolled.

A message from the House of Representatives, by *Mr. Hanks*.

Mr. President--I am instructed to inform you, that the House have adopted the following resolution:

Resolved by the Legislative Council and House of Representatives, That the joint-resolution of both Houses, prohibiting the introduction of new bills after Saturday, the 29th inst., be rescinded; in which your concurrence is asked.

Which resolution was concurred in and adopted.

Mr. Witter asked and obtained leave to introduce a bill, entitled an act further to regulate the terms of the County Courts; which was read the first time, and the second being dispensed with, read the third time and **PASSED**, with the title aforesaid.

Ordered, That *Mr. Witter* inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Boswell moved to take up the bill, entitled an act to abolish the County Courts; which motion was rejected.

Mr. Orr offered the following resolution, to wit:

WHEREAS, the Congress of the United States has granted to the Territory of Arkansas Ten Sections of land, for the purpose of erecting a public building at Little Rock, the Seat of Government, by virtue of an act approved 2d March, 1831: Therefore--

Resolved, That the Legislative Council and House of Representatives, by joint vote, proceed to the election of a commissioner to select said Ten Sections of land, so donated by Congress; and that the commissioner so appointed proceed forthwith to the selection of forty quarter sections, from any of the unappropriated and unoccupied public lands in this Territory, and make out three plats of the same, described and designated by the public surveys; one copy of which said descriptive plats, he shall forward on to the commissioner of the General Land Office, and one to the Secretary of the Territory; and he shall return one of said plats to the next General Assembly of this Territory.

And on the question of adoption, *Mr. Orr* called for the ayes and noes, which stood as follows, to wit:

Ayes.--Messrs. Boswell, Collins, McAmy, Orr, Pennington, Wolf, and *Mr. President*.--7.

Noes.--Messrs. Blount, Bridges, Douglass, Farrelly, Hackett, Hartfield, Hughes, Ingram, Lincecum, Sinclear, Tidwell, Wells, and *Witter*.--13.

And the resolution was rejected.

A message from the House of Representatives, by Mr. Rutherford.

Mr. President—I am instructed to inform you, that the House of Representatives have passed the accompanying bill, entitled an act further to regulate the terms of the County Courts; and that they have passed so much of the accompanying resolution as respects G. W. Scott, late Auditor, as amended:—and ask your concurrence.

Which resolution was read and PASSED.

Ordered, That Mr. Wells return the same to the House of Representatives.

A message from the GOVERNOR, by William Field, one of his Private Secretaries.

Mr. President—I am instructed by the Governor to inform your honorable body, that he did, on this day, approve and sign the following bills, viz :

An act for the incorporation of the town of Little Rock, and for other purposes; an act allowing compensation to Members of this General Assembly, and their Officers; an act supplementary to the several laws regulating the Militia of this Territory; an act to define in part the duties of Sheriffs and Constables, and for other purposes; an act supplementary to an act entitled an act to regulate the collection of taxes on Military Bounty Lands; an act supplementary to the law defining the crime of Maiming; an act for the relief of R. C. Byrd, Auditor of this Territory; an act to change the time of holding the Circuit Courts in and for the counties of Pulaski and Hot Spring, and for other purposes; an act supplementary to the several acts concerning attachments; an act to legalize the acts of R. C. Byrd, Auditor of this Territory; an act to provide for the distribution of the Acts and Journals of the General Assembly of the Territory of Arkansas; an act making appropriations for the years 1832 and 1833. Also, a resolution to Congress, on the subject of a further appropriation for the pay and mileage of the Members of this General Assembly; a resolution appropriating the contingent fund. Also, a memorial to Congress for an appropriation to build a Penitentiary; and a memorial to Congress, praying for an additional appropriation of \$25,000, to remove the Raft of Red river.

A message from the House of Representatives, by Mr. Manly.

Mr. President—You are informed, that the House of Representatives have passed a bill, entitled an act concerning the election of Mayor and Town Council of Little Rock.—Also, a bill, entitled an act making further appropriations for the year 1831, and for other purposes. And they are sent for concurrence.

Which bills were severally read a first time, and the second being dispensed with, read a third time and PASSED.

Ordered, That Mr. *Hughes* return the same to the House.

A message from the House of Representatives, by Mr. *Rutherford*.

Mr. President—You are informed, that the bill, entitled an act to make an appropriation to defray the expenses of the Territory of Arkansas for the years 1831, 1832 and 1833, has passed the House of Representatives, and is herewith returned.

On motion of Mr. *Collins*,

Resolved by the Legislative Council and House of Representatives of the Territory of Arkansas, That the President of the Legislative Council and Speaker of the House of Representatives be instructed to adjourn their respective Houses, *sine die*, on this day, at one o'clock.

And Messrs. *Farrelly*, *Sinclear*, and *Witter*, were appointed a committee on the part of the Legislative Council, to wait on the Governor and inform him thereof.

Ordered, That the House of Representatives be informed of the same.

Mr. *Douglass*, from the Joint Committee on Enrollments, reported, that said committee had examined the following enrolled bills, to wit: An act further to regulate the terms of the County Courts; and an act to explain an act of the present session, entitled an act to apportion the representation among the several counties of this Territory for the year 1833, and for other purposes. And that they had found the same truly and correctly enrolled.

A message from the GOVERNOR, by William Field, Esq. one of his Private Secretaries.

Mr. President—I am instructed by the Governor to inform your honorable body, that he did, on this day, approve and sign the following bills, viz:

An act to enable Judgement Creditors to collect their debts with more facility; an act to call in the Territorial Scrip, and for other purposes; an act supplementary to an act establishing County Courts; an act to explain an act of the present session, entitled an act to apportion the representation among the several counties of this Territory for the year 1833, and for other purposes; an act further to regulate the terms of County Courts.

A message from the House of Representatives, by Mr. *Rutherford*.

Mr. President--I am instructed to inform you, that the House of Representatives have adopted the resolution from the Legislative Council, appointing a Joint Committee to wait on the Governor; and have appointed on their part, Messrs. *Manly*, *Scott* of Hempstead, and *Brown*.

Mr. Douglass, from the Joint Committee on Enrolments, reported, that they had examined the following enrolled bills, to wit: An act making further appropriations for the year 1831, and for other purposes; a resolution for the relief of *George W. Scott*; an act concerning the election of Mayor and Town Council of Little Rock. And had found the same truly and correctly enrolled.

Mr. Witter presented a communication from *William Arnold*, on the subject of the Ten Sections of land granted to the Territory by Congress, for the purpose of building a State-House at Little Rock; which

Mr. McAmy moved to refer to a Select Committee, and called for the ayes and noes, which stood as follows:

Ayes.--Messrs. *Douglass*, *Hackett*, *Lincecum*, *McAmy*, *Pennington*, *Sinclear*, *Tidwell*, and *Witter*.--8.

Noes.--Messrs. *Blount*, *Boswell*, *Bridges*, *Farrelly*, *Hartfield*, *Hughes*, *Ingram*, *Patton*, *Wells*, *Wolf*, and *Mr. President*.--11.

And the motion was rejected.

A message from the GOVERNOR, by *William Field, Esq.* one of his Private Secretaries.

Mr. President--I am instructed by the Governor to inform your honorable body, that he did, on this day, approve and sign the following bills, viz:

An act concerning the election of Mayor and Town Council of Little Rock; an act making further appropriation for the year 1831, and for other purposes; a resolution in favor of *Geo. W. Scott*.

Mr. Farrelly, from the Joint Committee raised for the purpose therein mentioned, made the following REPORT:

Mr. President--The Joint Committee appointed to wait on the Governor, and inform him that the Legislature had finished all the business before them, and were now ready to adjourn, unless he had some further communication to make, report, that, according to order, they have performed that duty; and were informed by the Governor that he had no further communication to make.

On motion of *Mr. Farrelly*,

Resolved, That ABSALOM FOWLER, Secretary, and WILLIAM B. R. HORNER, Assistant Secretary, merit the approbation of the Legislative Council for their assiduity and promptness in the discharge of their duties; and that the President make known to them the high sense we entertain of their abilities.

From this resolution Mr. *McAmy* dissented.

Mr. *Blount* being called to preside in the chair,

Mr. *Bridges* offered the following resolution; which was unanimously adopted:

Resolved, That the thanks of the Legislative Council be given to CHARLES CALDWELL, for the dignified and impartial manner in which he has discharged the duties of the chair.

On motion of Mr. *Douglass*,

Resolved, That the House of Representatives be informed that the Legislative Council is ready to adjourn, *sine die*.

On motion of Mr. *Sinclear*,

Resolved, That the thanks of this House be returned to ROBERT S. McMICKIN, for the faithful performance of his duty, as Door-keeper.

A message from the House of Representatives, by Mr. *Wilson*.

Mr. *President*—I am instructed to inform you, that the House of Representatives have gone through all the business before them, and are now ready to adjourn, *sine die*.

Mr. *Wolf* then moved an adjournment *sine die*.

The *President* then rose and addressed the Legislative Council as follows:

GENTLEMEN—I avail myself of the moment of separation to express my deep sense of gratitude for your kind and uniform support of my official conduct as presiding officer of this House. Next to the consciousness of an upright discharge of my official duties, and the confidence of my country, is the esteem and approbation of this House. Your kind and flattering vote of approbation assures me that, notwithstanding the embarrassments and difficulties that have constantly surrounded the chair, my efforts to pursue fearlessly what I believed to be the path of my duty, without favor or partiality, regardless of consequences, has been correctly appreciated. If, gentlemen, in the course of this session, the peace and harmony of our deliberations have been threatened, and our counsels divided, under the influence of momentary excitement, I trust they have now happily passed away, and that we shall separate in the spirit of peace and good will. However much we may have differed in the means to be employed, the end of all must have been the good of our common

country. The parting which is about to take place, with many of us, will be long—with some of us, forever. In returning from your public vocations to the bosoms of your respective families and friends, unravelling the inscrutable providence of God, you will carry with you my ardent wishes for your health and happiness, and for the happiness, welfare and prosperity of our beloved country.

The *President* then adjourned the Council *sine die*.

CHAS. CALDWELL, *President*

of the *Legislative Council*.

ABSALOM FOWLER, *Sec'y*.

HOUSE OF REPRESENTATIVES.

Mr. *Livingston*, from the Joint Committee on Enrolled Bills, made report, that they had examined certain bills.—[*For a list of which, see this day's proceedings of the Legislative Council, pages 319-20.*]—All of which were found correct, were signed by the Speaker, and returned.

The resolution, discharging Geo. W. Scott, late Auditor, from the payment of three hundred and thirty-three dollars and seventy-eight cents, drawn for by him over the amount appropriated, was,

On motion of Mr. *Rutherford*, taken up, read a second time, and the rules of the House being dispensed with, read a third time, PASSED, and sent to the Legislative Council for concurrence.

Mr. *Scott* of *Pope* offered the following resolution:

Resolved by the Legislative Council and House of Representatives, That the joint resolution of both Houses, prohibiting the introduction of new bills after Saturday, the 29th inst., be rescinded.

And the resolution was agreed to, and sent to the Legislative Council for concurrence.

Message from the Legislative Council, by Mr. *Witter*.

Mr. *Speaker*—I am instructed to inform you, that the Legislative Council have passed a bill, entitled an act further to regulate the terms of County Courts; in which they ask your concurrence.

Mr. *Manly* introduced a bill, to be entitled an act making further appropriations for the year 1831, and for other purposes; which was read, and the rules of the House being dispensed with, it was read a second and third time, PASSED, and sent to the Legislative Council for concurrence.

Mr. Crutchfield introduced a bill, to be entitled an act concerning the election of Mayor and Town Council of Little Rock; which was read, and the rules of the House being dispensed with, it was read a second and third time, PASSED, and sent to the Legislative Council for concurrence.

Message from the Legislative Council, by **Mr. Sinclear**.

Mr. Speaker—I am instructed to inform you, that the Legislative Council have passed the following resolution:

Resolved by the Legislative Council and House of Representatives, That the President of the Legislative Council and Speaker of the House of Representatives, be instructed to adjourn their respective Houses, *sine die*, on this day, at one o'clock; and ask your concurrence.

Which, on motion of **Mr. Wolf**, was laid on the table.

Message from the Legislative Council, by **Mr. Wells**.

Mr. Speaker—I am instructed to inform you, that the Legislative Council have passed the resolution from the House of Representatives, for the relief of Geo. W. Scott; which is herewith returned.

Message from the Legislative Council, by **Mr. Witter**.

Mr. Speaker—I am instructed to inform you, that the Legislative Council have appointed Messrs. *Farrelly*, *Sinclear*, and *Witter*, a committee on their part, to join such committee as may be appointed on the part of the House of Representatives, to wait upon the Governor, and inform him that the two Houses have got through their business, and are now ready to adjourn, if he has no further communication to make; and ask of you to appoint a committee on your part.

The bill, from the Legislative Council, entitled an act further to regulate the terms of the County Courts, was taken up, read, and the rules being dispensed with, the bill was read a second and third time, and PASSED.

Mr. Livingston, from the Joint Committee on Enrolled Bills, reported, that they had examined bills of the following titles, and found them correctly enrolled, to wit: An act further to regulate the terms of the County Courts; an act to explain an act of the present session, entitled an act to apportion the representation among the several counties of this Territory, and for other purposes. And the said bills were signed by the Speaker.

Message from the Legislative Council, by **Mr. Hughes**.

Mr. Speaker—I am instructed to inform you, that the Legislative Council have passed bills, from the House of Re-

presentatives, of the following titles, to wit: An act making further appropriations for the year 1831, and for other purposes; and an act concerning the election of Mayor and Town Council of Little Rock:—both of which are herewith returned.

Mr. *Livingston*, from the Joint Committee on Enrolled Bills, reported the following to be correctly enrolled, to wit: An act making further appropriations for the year 1831, and for other purposes; an act concerning the election of Mayor and Town Council of Little Rock; a resolution for the relief of Geo. W. Scott.

Whereupon, they were severally signed by the Speaker, and returned to the Enrolling Committee.

The resolution, from the Legislative Council, appointing a committee to wait upon the Governor, and inform him that they are now ready to adjourn, was taken up, and

On motion of Mr. *Wilson*, read and adopted;

And Messrs. *Manly*, *Scott* of Hempstead, and *Brown*, appointed on the part of this House; and the Legislative Council informed by message of the same.

Mr. *Manly*, from the Joint Committee appointed to wait upon the Governor, made the following REPORT:

Mr. *Speaker*—The Joint Committee appointed on the part of the House of Representatives, to wait on His Excellency John Pope, and inform him that the two Houses have finished all the business before them, and are now ready to adjourn, *sine die*, have discharged the duty assigned them, and received for answer that he had no further communication to make.

Message from the Legislative Council, by Mr. *Douglass*.

Mr. *Speaker*—I am instructed to inform you, that the Legislative Council, is now ready to adjourn *sine die*.

Mr. *Scott* of Pope offered the following resolution:

Resolved, That the Committee of Enrolments be instructed to wait on the Governor of this Territory, and inquire what bills are in his possession, and, if any, what disposition he intends making of them; and that said committee be requested to make report without delay.

Which report was adopted by the House;— and

Mr. *Scott* of Pope was added to the Committee of Enrolments, in place of Mr. *Smith*, who had obtained leave of absence.

Mr. *Crutchfield*, from the Committee of Enrolments, who were requested to wait upon the Governor, report-

ed; that they had waited on the Governor, and that he informed them that he had bills in his possession, but was not ready to act on them at this time.

Mr. Scott of Pope (Mr. Wilson in the chair) offered the following resolution; which was adopted.

Resolved, That the thanks of this House is due to WILLIAM TRIMBLE, their Speaker, for the able, dignified, and impartial manner, in which he has discharged the duties of the chair, throughout the present session.

The Speaker having resumed the chair,

Mr. Scott of Pope offered the following preamble and resolution:

Whereas, there remains in the hands of the Governor, several bills, that have neither been signed or vetoed, amongst which is the bill, "defining the qualification of electors," of vital importance to the people of Arkansas: Therefore—

Resolved, That this House adjourn until Wednesday morning, 9 o'clock, at which time the bill referred to will become a law, without signature.

And the yeas and nays being required on its adoption, were as follows:

Yeas.—Messrs. Clark, Hanks, Holland, Magness, Rutherford, and Scott of Pope.—6.

Nays.—Messrs. Brown, Crutchfield, Gibson, Manly, Pope, Scott of Hempstead, Whinnery, Wilson, Wolf, and Mr. Speaker.—10.

And so the resolution was lost.

Mr. Clark offered the following resolution; which was adopted by the House.

Resolved, That GEORGE W. FEREBEE, Clerk, and EDWIN T. CLARK, Assistant Clerk, merit the approbation of this House, for their assiduity and promptness in the discharge of their duties; and that the Speaker make known to them the high sense we entertain of their abilities.

Mr. Rutherford offered the following resolution; which was adopted.

Resolved, That the thanks of this House be given to EZRA OWEN, Door-keeper thereof, for the faithful manner in which he has performed the duties of his station.

On motion of Mr. Wilson, the House adjourned *sine die*.

WILLIAM TRIMBLE, Speaker
of the House of Representatives.

Attest, GEORGE W. FEREBEE, Clerk
of the House of Representatives.